

9-1-2011

State v. Morgan Clerk's Record Dckt. 39057

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

ANDREW DALLAS MORGAN,

Defendant-Appellant.

Supreme Court Case No. 39057

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE DEBORAH A. BAIL

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

State of Idaho vs. Andrew Dallas Morgan

Date	Code	User	Judge
2/22/2008	NEWC	ID	Case Created
		ID	Case Opened
	ARRN	ID	Video Arraignment - 02/22/2008
	CHAD	ID	Charge number 1: Charge Booked by ACSO
	CHAD	ID	Charge number 2: Charge Booked by ACSO
	AMCO	ID	Charge number 2: Charge Amended by Prosecutor
		ID	Charge number 3: Additional Charge Filed
		ID	Charge number 4: Additional Charge Filed
	ARRN	SM	Video Arraignment - Video Arraignment - 02/22/2008
		SH	Charge number 1: Charge Filed Cause Found
		SH	Charge number 2: Charge Filed Cause Found
		SH	Charge number 3: Charge Filed Cause Found
		SH	Charge number 4: Charge Filed Cause Found
		VE	Video Arraignment
		ORPD	Order Appointing Public Defender
		VE	Charge number 1: Bond Reduced or Amended to - \$30000.00
	HRSC	JD	Event Scheduled - Preliminary Hearing - 03/06/2008
2/25/2008	RESO	AB	Defendant Request For Discovery
	NOTC	AB	Notice - of Hearing
	MOTN	AB	Motion - for Bond Reduction
3/5/2008		AU	Memo in Support of Bond Reduction
	RESO	AU	Defendant Request For Discovery
		AU	Sub of Counsel
3/6/2008	HRSC	ME	Event Scheduled - Preliminary Hearing - 03/31/2008
	NOTC	TCORTEJN	Notice of Preliminary Hearing Reset 03/31/2011 at 8:30 with Judge Oths
3/7/2008	BND\$	DCWHITD	Bond Posted - Surety (Amount 30000.00)
3/31/2008	PHWV	CCEDWARM	Preliminary Hearing Waived (bound Over)
	CHGB	CCEDWARM	Charge Assigned Judge: Bind Over
	PHWV	CCEDWARM	Hearing result for Preliminary held on 03/31/2008 08:30 AM: Preliminary Hearing Waived (bound Over) commitment
	HRSC	CCEDWARM	Hearing Scheduled (Arrestment 04/07/2008 01:30 PM)

State of Idaho vs. Andrew Dallas Morgan

Date	Code	User	Judge
3/31/2008	NOTC	TCORTEJN	Notice of District Court Arraignment 04/07/2008 at 1:30pm with Judge Bail
	COMT	TCORTEJN	Commitment Filed Deborah Bail
4/2/2008	INFO	TCBUCKAD	Information Filed Deborah Bail
4/7/2008	PROS	PRSMITTJ	Prosecutor assigned Barbara A Duggan Deborah Bail
	PLEA	CCLUEDTC	A Plea is entered for charge: - NG (I18-1401 Burglary) Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Jury Trial 06/19/2008 09:30 AM) Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Pretrial Conference 06/09/2008 01:30 PM) Deborah Bail
	DCAR	CCLUEDTC	Hearing result for Arraignment held on 04/07/2008 01:30 PM: District Court Arraignment- Court Reporter: Number of Pages: Deborah Bail
4/8/2008	PLEA	CCLUEDTC	A Plea is entered for charge: - NG (IX18-2403-1 {F} GRAND THEFT) Deborah Bail
	PLEA	CCLUEDTC	A Plea is entered for charge: - NG (I18-2403(1) {F} Theft-grand) Deborah Bail
		CCLUEDTC	Notice of Trial Setting Deborah Bail
	PLEA	CCLUEDTC	A Plea is entered for charge: - GT (IX18-2403-1 {F} GRAND THEFT) Deborah Bail
5/1/2008	RQDS	TCBUCKAD	State/City Request for Discovery Deborah Bail
	RSDS	TCBUCKAD	State/City Response to Discovery Deborah Bail
5/8/2008	RESR	PRSCHMAN	Restitution Recommended by the Prosecutor's office. 410.13 victim # 1 Deborah Bail
6/9/2008	DCHH	CCLUEDTC	Hearing result for Pretrial Conference held on 06/09/2008 01:30 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated:50 Deborah Bail
	HRVC	CCLUEDTC	Hearing result for Jury Trial held on 06/19/2008 09:30 AM: Hearing Vacated Deborah Bail
	CTTR	CCLUEDTC	Case Transferred (I18-1401 Burglary) Deborah Bail
	CTTR	CCLUEDTC	Case Transferred (I18-2403(1) {F} Theft-grand) Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Sentencing 07/21/2008 03:00 PM) Deborah Bail
7/21/2008	DCHH	CCLUEDTC	Hearing result for Sentencing held on 07/21/2008 03:00 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated:50 Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Sentencing 07/23/2008 04:00 PM) Deborah Bail
7/23/2008	HRVC	CCLUEDTC	Hearing result for Sentencing held on 07/23/2008 04:00 PM: Hearing Vacated Deborah Bail

State of Idaho vs. Andrew Dallas Morgan

Date	Code	User	Judge
7/23/2008	HRSC	CCLUEDTC	Hearing Scheduled (Sentencing 07/28/2008 09:30 AM)
7/28/2008	DCHH	CCLUEDTC	Hearing result for Sentencing held on 07/28/2008 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated:50
	PROB	CCLUEDTC	Probation Ordered (IX18-2403-1 {F} GRAND THEFT) Probation term: 7 years. (Felony Probation & Parole)
	FIGT	CCLUEDTC	Finding of Guilty (IX18-2403-1 {F} GRAND THEFT)
	JAIL	CCLUEDTC	Sentenced to Jail or Detention (IX18-2403-1 {F} GRAND THEFT) Confinement terms: Jail: 120 days. Discretionary: 90 days. Penitentiary determinate: 2 years. Penitentiary indeterminate: 5 years.
	COPT	CCLUEDTC	Confinement Option Recorded: Penitentiary suspended.
	MISC	CCLUEDTC	Def May Not Volunteer or Work In any Nursing Home, Assisted Living Facility or in any Medical Field
	MISC	CCLUEDTC	Standard Terms of Probation, SATP, ABC, St Als Recovery program, Narcotics Anonymous, St Als Level 2 Outpatient program, Continue With Mental Health Counseling
	MISC	CCLUEDTC	Def may be evaluated for MHC & comply w/all conditions
	HRSC	CCLUEDTC	Hearing Scheduled (Review Hearing 12/08/2008 03:00 PM) Bridge Ct review
	ORDR	DCWHITHD	Order for Restitution and Judgment
	BNDE	DCWHITHD	Surety Bond Exonerated (Amount 30,000.00)
	JCOP	DCWHITHD	Judgment Of Conviction & Order Of Probation (Bridge Court)
	STAT	DCTHERTL	STATUS CHANGED: closed pending clerk action
8/20/2008	HRSC	CCBROWKM	Hearing Scheduled (Mental Health Court Hearing 08/28/2008 04:00 PM)
8/28/2008	HRHD	CCBROWKM	Hearing result for Mental Health Court Hearing held on 08/28/2008 04:00 PM: Hearing Held
9/23/2008	MOTN	TCURQUAM	Motion for Early Release
10/22/2008	ORDR	TCORTEJN	Order for Early Release
	MISC	TCORTEJN	Judge Bail Sheriff's Office Approval of Early Release

State of Idaho vs. Andrew Dallas Morgan

Date	Code	User	Judge
12/8/2008	DCHH	CCLUEDTC	Hearing result for Review Hearing held on 12/08/2008 03:00 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated: Bridge Ct review50
	HRSC	CCLUEDTC	Hearing Scheduled (Review 02/02/2009 04:00 PM)
2/2/2009	DCHH	CCLUEDTC	Hearing result for Review held on 02/02/2009 04:00 PM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated:50
	HRSC	CCLUEDTC	Hearing Scheduled (Review 05/18/2009 04:00 PM)
4/30/2009	ORDR	CCLUEDTC	Order Re: Caseload
5/18/2009	HRSC	CCLUEDTC	Hearing Scheduled (Review 07/20/2009 04:00 PM)
	DCHH	CCLUEDTC	Hearing result for Review held on 05/18/2009 04:00 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated:50
7/20/2009	DCHH	CCLUEDTC	Hearing result for Review held on 07/20/2009 04:00 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated:50
8/21/2009	MOTN	TCWOLFKR	Motion for BW for PV
9/17/2009	WARB	TCWOLFKR	Warrant Issued - Bench Bond amount: 2500.00 Failing to comply with a court order Defendant: Morgan, Andrew Dallas
	STAT	TCWOLFKR	STATUS CHANGED: Inactive
	ORDR	TCWOLFKR	Order for BW for PV
9/24/2009	WART	TCWADAMC	Warrant Returned Failing to comply with a court order Defendant: Morgan, Andrew Dallas
	STAT	TCWADAMC	STATUS CHANGED: Activate (previously inactive)
	WART	TCWADAMC	Warrant Returned
	BNDS	TCWADAMC	Bond Posted - Surety (Amount 2500.00)
	BCON	TCWADAMC	Condition of Bond: Jail Reference Booking: 100422742 Jail Reference Stay: 1
10/1/2009	PROS	PRBRIGCA	Prosecutor assigned Monica R Morrison
10/5/2009	HRSC	AS400	Hearing Scheduled

State of Idaho vs. Andrew Dallas Morgan

Date	Code	User	Judge
10/5/2009	DCHH	CCLUEDTC	Hearing result for Arraignment held on 10/05/2009 01:30 PM: District Court Hearing Held Court Reporter: Susan Gambree Number of Transcript Pages for this hearing estimated:50 Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Admit/Deny Hearing 10/19/2009 01:30 PM) Deborah Bail
10/19/2009	DCHH	CCLUEDTC	Hearing result for Admit/Deny Hearing held on 10/19/2009 01:30 PM: District Court Hearing Held Court Reporter: Susan Gambree Number of Transcript Pages for this hearing estimated:50 Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Admit/Deny Hearing 10/26/2009 01:30 PM) Deborah Bail
10/20/2009		CCLUEDTC	Notice and Order Appointing Public Defender Deborah Bail
	RQDD	TCKELLHL	Defendant's Request for Discovery Deborah Bail
10/26/2009	DCHH	CCLUEDTC	Hearing result for Admit/Deny Hearing held on 10/26/2009 01:30 PM: District Court Hearing Held Court Reporter: Susan Gambree Number of Transcript Pages for this hearing estimated:50 Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Probation Violation Hearing 11/23/2009 09:30 AM) Deborah Bail
	PLEA	CCLUEDTC	A Plea is entered for charge: - NG (I20-222 Probation Violation) Deborah Bail
11/23/2009	DCHH	CCLUEDTC	Hearing result for Probation Violation Hearing held on 11/23/2009 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambree Number of Transcript Pages for this hearing estimated: 50 Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Probation Violation Disposition Hearing 12/14/2009 03:00 PM) Deborah Bail
	PLEA	CCLUEDTC	A Plea is entered for charge: - GT (I20-222 Probation Violation) Deborah Bail
	HRSC	TCHOCA	Hearing Scheduled (Mental Health Court Hearing 12/03/2009 09:00 AM) Michael McLaughlin
12/3/2009	CONT	TCHOCA	Continued (Mental Health Court Hearing 12/30/2009 09:00 AM) MHC Pending Michael McLaughlin
12/14/2009	DCHH	CCLUEDTC	Hearing result for Probation Violation Disposition Hearing held on 12/14/2009 03:00 PM: District Court Hearing Held Court Reporter: Susan Gambree Number of Transcript Pages for this hearing estimated:50 Deborah Bail
	HRSC	CCLUEDTC	Hearing Scheduled (Probation Violation Disposition Hearing 01/14/2010 09:30 AM) Deborah Bail
12/30/2009	CONT	TCHOCA	Continued (Mental Health Court Hearing 01/07/2010 09:00 AM) MHC Pending Michael McLaughlin 000006

State of Idaho vs. Andrew Dallas Morgan

Date	Code	User	Judge
1/7/2010	HRHD	TCHOCA	Hearing result for Mental Health Court Hearing held on 01/07/2010 09:00 AM: Hearing Held MHC Pending/Not Eligible
1/14/2010	DCHH	CCLUEDTC	Hearing result for Probation Violation Disposition Hearing held on 01/14/2010 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated:50
	JAIL	CCLUEDTC	Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Penitentiary determinate: 2 years. Penitentiary indeterminate: 5 years.
	STAT	CCLUEDTC	STATUS CHANGED: closed pending clerk action
1/15/2010	BNDE	DCTHERTL	Surety Bond Exonerated (Amount 2,500.00)
	ORPJ	DCTHERTL	Order of Revocation of Probation and Order Retaining Jurisdiction
6/18/2010	HRSC	CCLUEDTC	Hearing Scheduled (Rider Review 07/19/2010 09:30 AM)
		CCLUEDTC	Order to Transport
7/19/2010	DCHH	CCLUEDTC	Hearing result for Rider Review held on 07/19/2010 09:30 AM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated: 50
	PROB	CCLUEDTC	Probation Ordered (I20-222 Probation Violation) Probation term: 7 years. (Felony Probation & Parole)
	AMJD	CCLUEDTC	Amended Judgment Sentence modified on 7/19/2010. (I20-222 Probation Violation)
	COPT	CCLUEDTC	Confinement Option Recorded: Penitentiary suspended.
	PROB	CCLUEDTC	Standard Terms of Probation, Cont Easter Seal Program, MH Counseling, May Not Work In Health or Patient Field, Sign Release for HIPA
7/21/2010	ORDR	DCTHERTL	Order Suspending Sentence and Order of Probation
4/28/2011	HRSC	CCMANLHR	Hearing Scheduled (Arraignment 05/16/2011 01:30 PM)
	ORPD	MADEFRJM	Order Appointing Public Defender
	ORPD	MADEFRJM	Order Appointing Public Defender
	NOPE	TCMCCOSL	Notification of Penalties for Escape
	AFFD	TCMCCOSL	Affidavit
	AFFD	TCMCCOSL	Affidavit of PC to Hold Probationer on Agent's Warrant
	ORDR	TCMCCOSL	Order on Probationer Arrest on Agent's Warrant

State of Idaho vs. Andrew Dallas Morgan

Date	Code	User	Judge
5/6/2011	PROS	PRFLEMSM	Prosecutor assigned Jeffrey S White
	MOTN	TCGREEAE	Motion for PV (Agents Warrant)
5/17/2011	DCHH	CCTHERTL	Hearing result for Arraignment held on 05/16/2011 01:30 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated: 50
	HRSC	CCTHERTL	Hearing Scheduled (Admit/Deny Probation Violation 05/23/2011 01:30 PM)
5/18/2011		CCTHERTL	Notice and Order Appointing Public Defender
5/23/2011	MFBR	TCFARANM	Motion For Bond Reduction
	NOHG	TCFARANM	Notice Of Hearing
	RQDD	TCFARANM	Defendant's Request for Discovery
	DCHH	CCTHERTL	Hearing result for Admit/Deny Probation Violation held on 05/23/2011 01:30 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated: 50
	HRSC	CCTHERTL	Hearing Scheduled (PV Disposition Hearing 07/11/2011 03:00 PM)
	PLEA	CCTHERTL	A Plea is entered for charge: - GT (I20-222 Probation Violation)
5/25/2011	PSIO1	CCTHERTL	Pre-Sentence Investigation Evaluation Ordered - Update
7/11/2011	DCHH	CCTHERTL	Hearing result for PV Disposition Hearing scheduled on 07/11/2011 03:00 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated: 50
7/12/2011	HRSC	CCTHERTL	Hearing Scheduled (Probation Violation Disposition Hearing 08/01/2011 03:00 PM)
8/1/2011	DCHH	CCTHERTL	Hearing result for Probation Violation Disposition Hearing scheduled on 08/01/2011 03:00 PM: District Court Hearing Held Court Reporter: Susan Gambee Number of Transcript Pages for this hearing estimated: 50
	FIGT	CCTHERTL	Finding of Guilty (I20-222 Probation Violation)
	JAIL	CCTHERTL	Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Penitentiary determinate: 2 years. Penitentiary indeterminate: 5 years.
	STAT	CCTHERTL	STATUS CHANGED: closed pending clerk action
8/2/2011	APSC	TCTONGES	Appealed To The Supreme Court

Date: 9/1/2011

Fourth Judicial District Court - Ada County

User: CCTHIEBJ

Time: 10:02 AM

ROA Report

Page 8 of 8

Case: CR-MD-2008-0002462 Current Judge: Deborah Bail

Defendant: Morgan, Andrew Dallas

State of Idaho vs. Andrew Dallas Morgan

Date	Code	User	Judge
8/3/2011	JDMT	DCTYLENI	Order Revoking Probation, Judgment of Conviction adn Order of Commitment Deborah Bail
8/8/2011	ORDR	DCKORSJP	Order Appointing State Appellate Public Defender Deborah Bail

000009

DR # 08-804212

NO. 11:56 PM
A.M. 11:56 PM
FEB 22 2008
J. DAVID LLOYD
BY S. LLOYD

GREG H. BOWER
Ada County Prosecuting Attorney

Brian Naugle
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ANDREW DALLAS MORGAN,

Defendant.

Case No. **M0802462**

COMPLAINT

Morgan's DOB: [REDACTED]

Morgan's SSN: [REDACTED]

PERSONALLY APPEARED Before me this 22 day of February 2008, Brian Naugle, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008 and the 9th day of February, 2008, in the County of Ada, State of Idaho, did commit the crimes of: I. BURGLARY, FELONY, I.C. §18-1401, II. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), III. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), and IV. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b) as follows:

COUNT I

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did enter into a certain building, to-wit: a home the property of Life Care Center located at 808 N. Curtis Road with the intent to commit the crime of theft.

COUNT II

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Bonnie Kascic, the owner, with the intent to appropriate to himself certain property of another.

COUNT III

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Arlene Madden, the owner, with the intent to appropriate to himself certain property of another.

COUNT IV

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Thomas Greer, the owner, with the intent to appropriate to himself certain property of another.

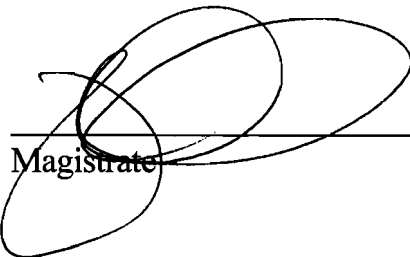
All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Brian Naugle
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 22 day of February 2008.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

vs.

Andrew Dallas Morgan

PROSECUTOR Brian Naugle

COMPLAINING WITNESS _____

CASE NO. M0802462

CLERK MARILYN EDWARDS

DATE 02/22 /2008 TIME 11¹⁷

TOXIMETER _____

CASE ID. 0142022208 BEG. 111757

END 112229

JUDGE

- | | |
|---|--|
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input checked="" type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HANSEN | <input type="checkbox"/> SCHMIDT |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> MacGREGOR-IRBY | |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- ☒ **STATE SWORN**
- ☒ PC FOUND _____
- ☒ COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☐ NO PC FOUND _____
- ☐ EXONERATE BOND
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

D.R. # _____

- ☐ DISMISS CASE
- ☒ IN CUSTODY

COMMENTS

☐ **AGENT'S WARRANT**

☐ **RULE 5 (b)**

☐ **FUGITIVE**

SCHEDULED EVENT:
Video Arraignment

JUDGE:
Kevin Swain

CLERK:
Vicky Emery

DATE: 02/22/2008 TIME: 13:30

COURT REPORTER:

TAPE NO: _____

PR/AGY: AC

PROS:

Charles Van Dener
Jeff Kaufman
P.D. ATTORNEY

MORGAN ANDREW DALLAS

MOB02462.01

SSN

DOB

1 BURGLARY S 18 1401 F

2 GRAND THEF S 18 2403 1 F

3 GRAND THEF S 18 2403 1 F

4 GRAND THEF S 18 2403 1 F

145507

Case Called Def: Present

Not Pres.

In Custody

Advised of Rights

Waived Rts

PD Appointed

Waived Atty

Guilty Plea/PV Admit

N/G Plea

Advise Subsq Penalty

Bond \$

30,000

ROR

Pay/Stay

Payment Agr

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Finish () Release Defendant

FEB 25 2008

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR ADA COUNTY
MAGISTRATE DIVISION

By DAVID NAVARRO, Clerk
By C. PACKER
DEPUTY

STATE OF IDAHO, Plaintiff } CR. M0802462.01
vs. }
MORGAN ANDREW DALLAS Defendant. } NOTICE OF
PRELIMINARY HEARING

NOTICE IS HEREBY GIVEN to the above Defendant that a Preliminary Hearing has been scheduled before the Honorable Judge Oths at 8:30 o'clock a.m. on the 6TH day of MARCH, 2008, in the courtroom at:

Magistrate
200 W. Front Street
Boise, Idaho 83702

YOU ARE HEREBY NOTIFIED that if you do not appear in Court at said time and place, any bond posted may be forfeited by the Court and a warrant will be issued for your arrest without further notice.

Dated 2/25/08 [Signature]
Court Clerk

I hereby certify that copies of this Notice were served as follows on this date: _____

Defendant:
Hand Delivered _____ Mailed _____

Private Counsel:
Hand Delivered _____ Mailed _____

Prosecutor: _____
Public Defender: X Ada X Boise X G.C. _____ Meridian _____
Interdepartmental Mail X
Interdepartmental Mail X

[REV 2-2002]

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. 04

FEB 25 2008

J. DAVID NAVARRO, Clerk
By A. WRAY
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ANDREW D. MORGAN,

Defendant.

Case No. M0802462

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to the Ada County
Prosecuting Attorney:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR
16, requests discovery and photocopies of the following
information, evidence, and materials:

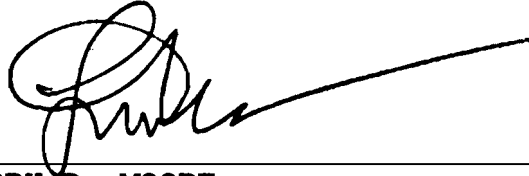
- 1) All material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment therefore. ICR 16(a).
- 2) Any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.

- 3) Any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.
- 6) All reports or physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.

11) Any evidence, documents or witnesses that the State discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument pursuant to ICR 16.

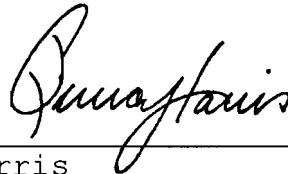
DATED, February 25, 2008.



LARRY D. MOORE
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on February 25, 2008, I mailed a true and correct copy of the foregoing to the Ada County Prosecuting Attorney's office by placing said same in the Interdepartmental Mail.



Quincy Harris

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. 4

FEB 25 2008

J. DAVID NAVARRO, Clerk
By A. WRAY
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
	)	Criminal No. M0802462
Plaintiff,)	
	)	NOTICE OF HEARING
vs.)	
)	
ANDREW D. MORGAN,)	
)	
Defendant.)	
)	
)	
)	

TO: THE STATE OF IDAHO, Plaintiff, and to the ADA COUNTY
PROSECUTING ATTORNEY:

YOU, AND EACH OF YOU, ARE HEREBY NOTIFIED, that the
defendant will call on for hearing the defendant's MOTION FOR
BOND REDUCTION, now on file in the above-entitled action, on
03/06/08 at the hour of 8:30, in the courtroom of the above-
entitled court, or as soon thereafter as counsel can be heard.

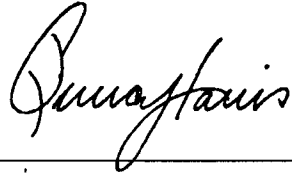
DATED, February 25, 2008.



LARRY D. MOORE
Attorney for Defendant

CERTIFICATE OF MAILING

I **HEREBY CERTIFY**, that on February 25, 2008, I mailed a true and correct copy of the foregoing to the Ada County Prosecuting Attorney's office by placing said same in the Interdepartmental Mail.

A handwritten signature in cursive script, appearing to read "Quincy Harris", is written above a horizontal line.

Quincy Harris

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ FILED P.M. 4

FEB 25 2008

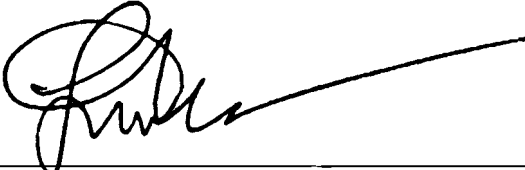
J. DAVID NAVARRO, Clerk
By A. WRAY
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
	)	Case No. M0802462
Plaintiff,)	
	)	MOTION FOR BOND REDUCTION
vs.)	
)	
ANDREW D. MORGAN,)	
)	
Defendant.)	
)	
)	
)	

COMES NOW, ANDREW D. MORGAN, the defendant above-named, by and through counsel LARRY D. MOORE, Ada County Public Defender's Office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds and for the reason that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond and that the defendant has thereby been effectively denied his right to bail.

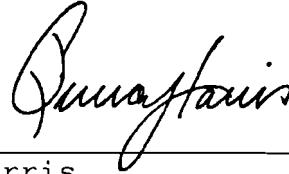
DATED, February 25, 2008.



LARRY D. MOORE
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on February 25, 2008, I mailed a true and correct copy of the foregoing to the Ada County Prosecuting Attorney's office by placing said same in the Interdepartmental Mail.



Quincy Harris

NO. _____
 A.M. _____ P.M. _____

MAR 05 2008

BRADLEY B. POOLE, CHARTERED
 ATTORNEY AT LAW
 1110 North Five Mile Road
 Boise, Idaho 83713
 Telephone: (208) 322-5536
 Facsimile: (208) 323-7660
 e-mail: bb_poole@msn.com
 ISB# 1662

J. DAVID NAVARRO, Clerk
 By A URQUIDI
 DEPUTY

Attorney for *Defendant(s)*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	Case No. M08-02462
)	
Plaintiff,)	
)	
-vs-	)	MEMORANDUM IN SUPPORT
	)	OF BOND REDUCTION
ANDREW MORGAN,)	
)	
Defendant.)	
_____)	

COMES NOW, the Defendant, by and through Bradley B. Poole, his counsel of record, and submits the following Memorandum in support of his Motion for Bond Reduction:

The Defendant has been charged with one (1) count of burglary and (3) counts of grand theft in the above referenced case. His bond was set at the amount of \$30,000.00. The Defendant filed a Motion for Release on his own recognizance or a reduction in the bail. This motion is based on the following:

1) The Defendant is a life long resident of Boise, Ada County, Idaho. The Defendant attended schools in the Boise-Meridian area and graduated from Centennial High School.

2) The Defendant has family in the area including a brother and his family and a grandparent. He is currently living with his brother and his family in Kuna, Idaho.

3) The Defendant does not have an extensive criminal record, only a shoplifting misdemeanor. He has not missed any court dates and will be present at all court dates in the future.

4) The Defendant does not pose a risk or danger to society. The protection of society is not enhanced by the Defendant continuing to be in jail until the resolution of this matter.

5) The Defendant has family members that would assist him in making all court dates. His counsel would also provide such assistance.

6) It will help the Defendant in preparing his defense and the resolution of this matter if he is not incarcerated and is able to deal with his counsel on an ongoing basis.

Based on the aforementioned factors, the Defendant is entitled to either a release on his own recognizance or a reduction in bail pursuant to *Rule 46(h)(2), Idaho Criminal Rules*.

DATED this 5th day of March, 2008.



BRADLEY B. POOLE
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of March, 2008, I served a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Ada County Prosecuting Attorney
602 West Idaho
Boise, Idaho 83702

<input type="checkbox"/>	U.S. Mail, postage prepaid
<input type="checkbox"/>	Hand-Delivered
<input type="checkbox"/>	Overnight Mail
<input checked="" type="checkbox"/>	Facsimile: 208.287.7709



BRADLEY B. POOLE

NO. _____
A.M. _____ FILED P.M. *RZ*

MAR 05 2008

BRADLEY B. POOLE, CHARTERED
ATTORNEY AT LAW
1110 North Five Mile Road
Boise, Idaho 83713
Telephone: (208) 322-5536
Facsimile: (208) 323-7660
e-mail: bb_poole@msn.com
ISB# 1662

J. DAVID NAVARRO, Clerk
By A URQUIDI
DEPUTY

Attorney for *Defendant(s)*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

-VS-

ANDREW MORGAN,

Defendant.

Case No. M08-02462

REQUEST FOR DISCOVERY

To: ADA COUNTY Prosecuting Attorney:


PLEASE TAKE NOTICE that the undersigned, pursuant to *Rule 16, Idaho Criminal Rules*, requests discovery and inspection of the following information, evidence, and materials:

- (1) All statements of Defendant.
- (2) Substance of any relevant oral statement made by the Defendant.
- (3) The recorded testimony of the Defendant.
- (4) All statements of Co-Defendant.

- (5) Substance of any relevant oral statement made by a Co-Defendant.
- (6) Defendant's prior record, if any.
- (7) Books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are material to the preparation of the defense, or intended for use by the prosecutor or obtained from or belonging to the Defendant.
- (8) Reports of physical or mental examinations, scientific tests or experiments.
- (9) A list of the names and addresses of all persons having knowledge of relevant facts who may be called by the State as witnesses at the trial, together with any record of prior felony convictions of any such person.
- (10) Statements made by the prosecution witnesses or prospective prosecution witnesses.
- (11) Reports and memoranda made by a police officer or investigator in connection with the investigation or prosecution of the case.

The undersigned further requests permission to have copies of said information sent to the office of Bradley B. Poole, 1110 North Five Mile Road, Boise, Idaho 83713.

DATED this 5th day of March, 2008.

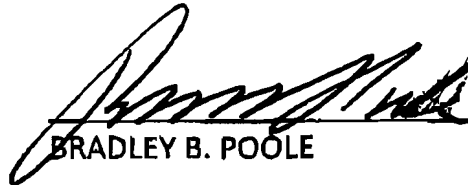

BRADLEY B. POOLE
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of March, 2008, I served a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Ada County Prosecuting Attorney
602 West Idaho
Boise, Idaho 83702

☐ U.S. Mail, postage prepaid
☐ Hand-Delivered
☐ Overnight Mail
☒ Facsimile: 208.287.7709


BRADLEY B. POOLE

NO
AM P.M. *VC*

MAR 05 2008

BRADLEY B. POOLE, CHARTERED
ATTORNEY AT LAW
1110 North Five Mile Road
Boise, Idaho 83713
Telephone: (208) 322-5536
Facsimile: (208) 323-7660
e-mail: bb_poole@msn.com
ISB# 1662

J. DAVID NAVARRO, Clerk
By A. URQUIDI
DEPUTY

Attorney for *Defendant(s)*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

-vs-

ANDREW MORGAN,

Defendant.

Case No. M08-02462

SUBSTITUTION
OF COUNSEL

NOTICE IS HEREBY given that Bradley B. Poole is hereby substituted as counsel of record for the above named Defendant in the above-referenced matter in the place of Larry Moore, Public Defender.

DATED this 3rd day of March, 2008.


BRADLEY B. POOLE

LARRY MOORE

CJ3BMIN
CCEDWARM

ADA COUNTY MAGISTRATE MINUTES

2/28/2008
8:06:29

SCHEDULED EVENT:
Preliminary Hearing

JUDGE: Brower
Michael J. Ochs

CLERK:
Marilyn Edwards

DATE: 03/06/2008 TIME: 8:30

COURT REPORTER:

TAPE NO: Oths 030608

PR/AGY: AC

PROS:

P.D./ATTORNEY

MORGAN ANDREW DALLAS

M0802462.01

SSN

DOB

1 BURGLARY S 18 1401 F

2 GRAND THEF S 18 2403 1 F

3 GRAND THEF S 18 2403 1 F

4 GRAND THEF S 18 2403 1 F

093521

Case Called Def:

☒ Present

☐ Not Pres.

☒ In Custody

☐ Advised of Rights

☐ Waived Rts

☐ PD Appointed

☐ Waived Atty

☐ Guilty Plea/PV Admit

☐ N/G Plea

☐ Advise Subsq Penalty

☐ Bond \$

☐ ROR

☐ Pay/Stay

☐ Payment Agr

301000

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*

Just Retained
Reg SO.

Δ Waives time

1- No arg

Reset 3/31/08 @ 830

093735 * 2. Bond argument

093948 * 1- Responds

094140 * 2- Responds

*

*

Bond Reduction Denied

094323 * Finish () Release Defendant

War# M0802503 Def# 01 Seq# 01 Type A Docket#

Rev: 3/97
000031

FILED 3/6/08 AT 9:36a .M.
 J. DAVID NAVARRO,
 CLERK OF THE DISTRICT COURT
 BY Marilyn Edwards
 Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Andrew Morgan

Defendant.

CASE NO. 10802462

NOTICE OF:

☒ Ada ☐ Boise ☐ GC ☐ Meridian

☐ FURTHER PROCEEDINGS

☐ TRIAL SET COURT/JURY

☒ PRELIMINARY HEARING RESET

☐ DISTRICT COURT ARRAIGNMENT

BEFORE JUDGE _____

BEFORE JUDGE _____

BEFORE JUDGE Otho

BEFORE JUDGE _____

NOTICE IS HEREBY GIVEN to the above-named Defendant that proceedings in this case have been continued until 830 o'clock a.m. on Mar 31 08, in the courtroom at the

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

J. DAVID NAVARRO, Clerk

DATED 3/6/08

By: Marilyn Edwards
 Deputy Clerk

I hereby certify that copies of this Notice were served as follows:

Defendant:
 Hand Delivered ☒ Mailed ☐
 Clerk ME Date _____

Defense Attorney:
 Hand Delivered ☐ Mailed ☐
 Clerk _____ Date _____

Prosecutor ☒ - Interdepartmental Mail
 Public Defender - Interdepartmental Mail

Signature Andrew Morgan
 Address _____

Bradley Cole

Clerk _____ Date _____
 Clerk _____ Date _____

CJ3BMIN
CCEDWARM

ADA COUNTY MAGISTRATE MINUTES

3/27/2008
14:54:55

SCHEDULED EVENT:
Preliminary Hearing

JUDGE:
Michael J. Oths

CLERK:
Marilyn Edwards

DATE: 03/31/2008 TIME: 8:30

COURT REPORTER:

TAPE NO: Oths 033108

PR/AGY: AC

PROS:

P.D./ATTORNEY

Casey Hammer
Bradley Poole

MORGAN ANDREW DALLAS

M0802462.01

SSN

DOB

1 BURGLARY S 18 1401

F

2 GRAND THEF S 18 2403 1

F

3 GRAND THEF S 18 2403 1

F

4 GRAND THEF S 18 2403 1

F

091302 Gase Called Def: X Present ___ Not Pres. ___ In Custody
___ Advised of Rights ___ Waived Rts ___ PD Appointed ___ Waived Atty
___ Guilty Plea/PV Admit ___ N/G Plea ___ Advise Subsq Penalty
✓ Bond \$ 30,000 ___ ROR ___ Pay/Stay ___ Payment Agr

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091654 * Finish () Release Defendant

War# M0802484 Def# 01 Seq# 01 Type F Docket#

Rev: 3/97
000033

FILED 3/31/08 AT 918 M.
J. DAVID NAVARRO,
CLERK OF THE DISTRICT COURT
BY Marilyn Edwards
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Andrew Morgan
Defendant.

CASE NO. 110802462

NOTICE OF:

☒ Ada

☐ Boise

☐ GC

☐ Meridian

☐ FURTHER PROCEEDINGS

☐ TRIAL SET COURT/JURY

☐ PRELIMINARY HEARING RESET

☒ DISTRICT COURT ARRAIGNMENT

BEFORE JUDGE _____

BEFORE JUDGE _____

BEFORE JUDGE _____

BEFORE JUDGE Bail

NOTICE IS HEREBY GIVEN to the above-named Defendant that proceedings in this case have been continued until 130 o'clock a.m./p.m. on Apr 07 08, in the courtroom at the

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

J. DAVID NAVARRO, Clerk

DATED 3/31/08

By: Marilyn Edwards
Deputy Clerk

I hereby certify that copies of this Notice were served as follows:

Defendant:

Hand Delivered ☒
Clerk me

Mailed ☐
Date _____

Defense Attorney:

Hand Delivered ☐
Clerk _____

Mailed ☐
Date _____

Prosecutor ☒ - Interdepartmental Mail
Public Defender - Interdepartmental Mail

Signature _____

Address _____

Brad Poole

Clerk _____
Clerk _____

Date _____
Date _____

GREG H. BOWER
Ada County Prosecuting Attorney

Casey Hemmer
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

NO. 915 FILED
A.M. 9:15 P.M. 9:15

MAR 31 2008

J. DAVID NAVARRO, Clerk

Marilyn Edwards
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
ANDREW DALLAS MORGAN,)
)
Defendant.)

Case No. M0802462

COMMITMENT

Defendant's DOB: [REDACTED]

Defendant's SSN: [REDACTED]

THE ABOVE NAMED DEFENDANT, ANDREW DALLAS MORGAN,
having been brought before this Court for a Preliminary Examination on the 31 day of
March 2008, on a charge that the Defendant on or between the 1st day of
February, 2008 and the 9th day of February, 2008, in the County of Ada, State of
Idaho, did commit the crimes of I. BURGLARY, FELONY, I.C. §18-1401, II. GRAND
THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), III. GRAND THEFT, FELONY,

I.C. §18-2403(1), 2407(1)(b), and IV. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b) as follows:

COUNT I

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did enter into a certain building, to-wit: a home the property of Life Care Center located at 808 N. Curtis Road with the intent to commit the crime of theft.

COUNT II

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Bonnie Kascic, the owner, with the intent to appropriate to himself certain property of another.

COUNT III

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Arlene Madden, the owner, with the intent to appropriate to himself certain property of another.

COUNT IV

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Thomas Greer, the owner, with the intent to appropriate to himself certain property of another.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offenses charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offenses as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ 30,000 -.

DATED this 31 day of March 2008.



MAGISTRATE

NO. _____
A.M. 10 P.M. _____

APR 02 2008
J. DAVID NAVARRO, Clerk
By A. BUCK
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 ANDREW DALLAS MORGAN,)
)
 Defendant.)
 _____)

Case No. M0802462

INFORMATION

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that ANDREW DALLAS MORGAN is accused by this Information of the crimes of: I. BURGLARY, FELONY, I.C. §18-1401, II. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), III. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), and IV. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b) which crimes were committed as follows:

COUNT I

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did enter into a certain building, to-wit: a home the property of Life Care Center located at 808 N. Curtis Road with the intent to commit the crime of theft.

COUNT II

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Bonnie Kascic, the owner, with the intent to appropriate to himself certain property of another.

COUNT III

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Arlene Madden, the owner, with the intent to appropriate to himself certain property of another.

COUNT IV

That the Defendant, ANDREW DALLAS MORGAN, on or between the 1st day of February, 2008, and the 9th day of February, 2008, in the County of Ada, State of Idaho, did wrongfully take a prescription Fentanyl Pain Patch from the person of Thomas Greer, the owner, with the intent to appropriate to himself certain property of another.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

DEBORAH A. BAIL
DISTRICT JUDGE

Date: April 7, 2008

COURT MINUTES

STATE OF IDAHO,

Plaintiff,

vs.

Andrew Morgan
Defendant,

Case No. CR08-02462

INITIAL ARRAIGNMENT

Appearances:

Deputy Prosecuting Attorney

Tessie Buttram
Counsel for the State

Deputy Public Defender

Brad Poole
Counsel for the Defendant

Interpreter _____

THIS TIME SET FOR INITIAL ARRAIGNMENT:

- ☒ The Court informed the defendant of the charges filed being a felony and of the possible penalties which could be imposed.
- ☒ The Court advised the defendant of the right to counsel at public expense in all proceedings of this Court.
- ☐ Public Defender reaffirmed/appointed to represent the defendant.
- ☒ Mr. Poole appearing as counsel of record for the defendant.
- ☐ Right to counsel waived by the defendant.
- ☒ The Court advised the defendant of the right to appeal from any judgment entered by this Court, to be represented by counsel in said appeal and of payment of costs incurred in said appeal at public expense, and of the appeal time being forty-two (42) days.
- ☒ True copy of the Information delivered to the defendant and counsel.
- ☒ True Name.
- ☐ Defendant's corrected name is _____.

- (X) Formal reading of the Information waived by the Defendant.
- () The Court read the Information to the Defendant.
- (X) The Court advised the defendant of the right to a trial by jury, of the different charge(s) set forth in the Information, of the time, not less than one day that could be taken before entering a plea and the right to remain silent.
- (X) The Court advised the defendant that if a plea of guilty was entered to a charge, the presumption of innocence, the constitutional right to a trial by jury, the right to confront accusers, the privilege against self-incrimination and the right of self defense would be waived. All legal and factual defenses and any defects in the State's case would be waived.
- () Upon the request of the defendant, the Court continued this matter until _____ for entry of a plea.
- () Statutory time waived by the defendant.
- (X) In answer to the Court, the defendant entered a plea of "Not Guilty".
- (X) There being no objection by the defendant, the Court set this case for trial before the Court and a jury on June 19 at 9:30 a PTC June 9 at 1:30 p m.
- () In answer to the Court, the defendant entered a plea of "Guilty".
- () Defendant sworn and examined regarding the plea.
- () The defendant indicated an understanding of the possible penalties and that no promises of leniency or threats had been made to induce the plea.
- () The defendant fully understands that BY PLEADING GUILTY the presumption of innocence, the constitutional right to a trial by jury, the right to confront accusers, the privilege against self incrimination and the right of self defense are waived. All legal and factual defenses and any defects in the State's case are waived.
- () The Court accepts the defendant's plea of "Guilty".
- () The Court set aside the defendant's plea of "Guilty" and directed the Clerk to enter a plea of "Not Guilty" on behalf of the defendant.
- () Request and Stipulation for Discovery submitted.

- (☒) Compliance date set for April 30.
- () The Court ordered a presentence report and continued this matter until _____ at _____ for said report and disposition.
- () Defendant remanded to the custody of the Sheriff.
- (☒) Defendant continued on bond.
- () Defendant continued on own recognizance.

Reporter: Susan Gambee
Clerk: Carol Luedtka

50 pg

FILED Tuesday, April 08, 2008 at 11:31 AM J. DAVID NAVARRO, CLERK OF THE COURT BY: <i>[Signature]</i> Deputy Clerk
--

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

April 8, 2008

DEBORAH A. BAIL
District Judge

STATE OF IDAHO,

Plaintiff

vs.

ANDREW DALLAS MORGAN,
Defendant

Case No. CR-MD-2008-0002462

NOTICE OF TRIAL SETTING

THIS IS YOUR NOTICE OF TRIAL SETTING

The above-entitled matter has been set for trial before the Court and a jury for:

Pretrial Conference.....Monday, June 09, 2008 @ 01:30 PM
Judge: Deborah Bail

Jury Trial.....Thursday, June 19, 2008 @ 09:30 AM
Judge: Deborah Bail

- ▶ All requested jury instructions must be submitted to the court five (5) days prior to trial.
- ▶ Any motion to exclude a witness who was a victim of the alleged crime must be made two (2) weeks prior to trial.
- ▶ Discovery compliance date is set for, April 30, 2008.
- ▶ Notice is hereby given that an alternate judge may be assigned to preside over the trial of this case if the assigned judge is unavailable to try it. The following is the panel:

Hon. Phillip M. Becker
Hon. Duff McKee
Hon. W.H. Woodland
Hon. Ronald Schilling

Hon. James Judd
Hon. Dennis Goff
Hon. George R. Reinhart, III
Hon. Daniel C. Hurlbutt, Jr.

Hon. G. D. Carey
Hon. Daniel Meehl
Hon. Nathan Higer

Unless a party has previously exercised their right to disqualification without cause under ICR 25, each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge; not later than fourteen (14) days after service of this notice ICR 25 (a) (6).

Copies to Counsel:

ADA COUNTY PROSECUTORS OFFICE

BRADLEY POOLE
ATTORNEY AT LAW
1110 N FIVE MILE ROAD
BOISE ID 83713

Notice of Trial

000043

NO. _____
A.M. _____ P.M. _____

MAY 01 2008

J. DAVID NAVARRO, Clerk
By A. BUCK
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Barbara A. Duggan
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Id. 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
ANDREW DALLAS MORGAN,)
)
Defendant.)
_____)

Case No. CR-MD-2008-0002462

REQUEST FOR DISCOVERY

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are

within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Expert Witnesses:

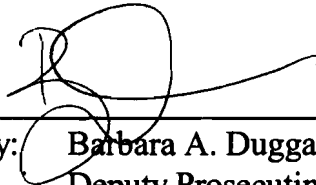
The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and

addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 30th day of April 2008.

GREG H. BOWER
Ada County Prosecuting Attorney



By: Barbara A. Duggan
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of April 2008, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual named below in the manner noted

Bradley Poole
1110 N Five Mile Rd
Boise, ID 83713

- ☒ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____


Legal Assistant

MAY 01 2008

J. DAVID NAVARRO, Clerk
By A. BUCK
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Barbara A. Duggan

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ANDREW DALLAS MORGAN,

Defendant.

Case No. CR-MD-2008-0002462

**DISCOVERY
RESPONSE TO COURT**

COMES NOW, Barbara A. Duggan Deputy Prosecuting Attorney, in and for the
County of Ada, State of Idaho, and informs the Court that the State has complied with the
Defendant's Request for Discovery.

RESPECTFULLY SUBMITTED this 30th day of April 2008.

GREG H. BOWER

Ada County Prosecuting Attorney


Barbara A. Duggan

Deputy Prosecuting Attorney

CRIMINAL CASE FILE MEMO

PTC

DATE: June 9, 2008 DEFENDANT PRESENT (Y) IN CUSTODY/BONDFROM: Judge Deborah Bail/ Carol Luedtka/ Susan GambeeRE: State v Andrew Morgan CASE NO. CR08-02462Counsel for the State Barbara DugganCounsel for the Defendant Bral Poole

Interpreter _____

Plea Bargain 99 ct 2 Balance dismissed

JofC (2/8) 10 Rider fine open rest open
on all charged & dismissed. State free to argue
all counts. waives extradition - psych eval.
Def is free to argue

PST

192524 mental Health1.500 abuse eval.S.H. July 21 @ 3:00

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told) _____

SENTENCING MEMO

DATE: July 21, 2008 DEFENDANT PRESENT (Y)N CUSTODY/(B)OND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

CASE: STATE v Andrew Morgan No. CR08-02462

Prosecutor: Bonnie Duggan Defense Counsel Brad Pool

State recommends: _____

Defense recommends: _____

Interpreter _____

COURT: () Judgment Withheld; _____ years of probation

() Judgment of Conviction

Term of years= _____ fixed followed by _____ indeterminate for a total: _____

() RETAINED JURISDICTION () COMMUTED _____

() SUSPENDED, CONDITIONS OF PROBATION:

1. Counseling as directed by P.O. with proof of attendance, and specifically:
Mental health counseling, Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: _____
2. Restitution: \$ _____ or State has _____ days to provide restitution figure; Defense has _____ days to object. Joint and Several
3. Defendant shall be subject to random blood, breath and urinalysis.
4. Defendant is subject to search of person, property, and residence and waives 4th Amendment rights
5. Defendant shall maintain full time employment.
6. Defendant shall maintain full time employment or be involved in a full time educational program with the approval of his or her P.O.
7. Defendant shall not refuse any blood alcohol content tests.
8. Defendant may not purchase, possess or consume any alcohol.
9. Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
10. Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____
12. Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy of the prescription to his/her P.O.
13. Defendant shall complete his/her GED/HSE.
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL _____ DISCRETIONARY JAIL TO PO _____

DL SUSPENSION _____ Additional Conditions: _____

Mr. Pool asks for a cont - he didn't received
the PSI. Ct cont to Wed July 23 @ 4:00

SENTENCING MEMO

DATE: July 23, 2008 DEFENDANT PRESENT ON CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

CASE: STATE v Andrew Morgan No. CK08-02462

Prosecutor: Babara Duggan Defense Counsel Brad Poole

State recommends: _____

Defense recommends: _____

Interpreter _____

COURT: () Judgment Withheld; _____ years of probation
() Judgment of Conviction

Term of years= _____ fixed followed by _____ indeterminate for a total: _____

() RETAINED JURISDICTION () COMMUTED _____

() SUSPENDED, CONDITIONS OF PROBATION:

1. Counseling as directed by P.O. with proof of attendance, and specifically:
Mental health counseling, Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: _____
2. Restitution: \$ _____ or State has _____ days to provide restitution figure; Defense has _____ days to object. Joint and Several
3. Defendant shall be subject to random blood, breath and urinalysis.
4. Defendant is subject to search of person, property, and residence and waives 4th Amendment rights
5. Defendant shall maintain full time employment.
6. Defendant shall maintain full time employment or be involved in a full time educational program with the approval of his or her P.O.
7. Defendant shall not refuse any blood alcohol content tests.
8. Defendant may not purchase, possess or consume any alcohol.
9. Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
10. Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____
12. Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy of the prescription to his/her P.O.
13. Defendant shall complete his/her GED/HSE.
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL _____ DISCRETIONARY JAIL TO PO _____

DL SUSPENSION _____ Additional Conditions: _____

Counsel meet with Court in Chambers.

Court states she is in a JT & ready to do closing. Court & Counsel Court this to Mond. 7/28/08 @ 9:30

SENTENCING MEMO

DATE: July 23, 2008 DEFENDANT PRESENT (Y) N CUSTODY (BOND)

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

CASE: STATE v Andrew Morgan No. CR08-02462

Prosecutor: Bertram Duggan Defense Counsel Brad Poole

State recommends: J.C. (2/8) 10 Rider NC w/ Life Care Cert. #410.13-rest.

Defense recommends: Probation, outpatient programs, mental health ct.

Interpreter _____

COURT: () Judgment Withheld; _____ years of probation

(☒) Judgment of Conviction

Term of years= 2 fixed followed by 5 indeterminate for a total: 7

() RETAINED JURISDICTION () COMMUTED _____

(☒) SUSPENDED, CONDITIONS OF PROBATION:

- ① Counseling as directed by P.O. with proof of attendance, and specifically:
Mental health counseling, Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: SATP & ABC Cont w/ ST Ab Recovery classes, Particip in Narcotics
2. Restitution: \$ go through state level of outpatient program or State has _____ days to provide restitution figure; Defense has mental health counseling _____ days to object. Joint and Several
- ③ Defendant shall be subject to random blood, breath and urinalysis.
- ④ Defendant is subject to search of person, property, and residence and waives 4th Amendment rights
5. Defendant shall maintain full time employment.
- ⑥ Defendant shall maintain full time employment or be involved in a full time educational program with the approval of his or her P.O.
- ⑦ Defendant shall not refuse any blood alcohol content tests. Def may not volunteer or work in any nursing homes, assisted living facilities or any health care or any medical field
- ⑧ Defendant may not purchase, possess or consume any alcohol.
- ⑨ Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
- ⑩ Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____
- ⑫ Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy of the prescription to his/her P.O. Def to Sign Medical Waiver so treatment facilities may speak w/ Ct & PO
13. Defendant shall complete his/her GED/HSE. \$ Bridge Ct. Review - Dec 8 @ 3:00
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL 120d DISCRETIONARY JAIL TO PO 90d

DL SUSPENSION _____ Additional Conditions: _____

Be evaluated for MHC. + Comply w/all Conditions.

Def is remanded to custody.

JUL 28 2008

J. DAVID NAVARRO, Clerk
By *[Signature]*
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Barbara Duggan
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

ANDREW DALLAS MORGAN,)

Defendant.)

Case No. CR-MD-2008-0002462

**ORDER FOR RESTITUTION
AND JUDGMENT**

WHEREAS, on the 28th day of July, 2008, a Judgment of Conviction or Withheld Judgment was entered against defendant ANDREW DALLAS MORGAN; and therefore pursuant to Idaho Code §19-5304(2) and based on information presented to this Court;

IT IS HEREBY ORDERED, that the defendant, ANDREW DALLAS MORGAN, shall make restitution to the victim(s) in the following amounts of:

MADDEN ARLENE J

\$410.13

TOTAL:

\$410.13

Interest on said restitution amount shall be computed as statutory rate of interest per annum.

FURTHER, pursuant to I.C. 19-5304 this order may be recorded as a judgment against the defendant, ANDREW DALLAS MORGAN and the listed victim(s) may execute as provided by law for civil judgments.

IT IS SO ORDERED.

DATED, this 28th day of _____, 2008.

Judge

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
3
4
5

6 THE STATE OF IDAHO,)
7)
8 Plaintiff,)
9)
10 vs.)
11)
12 ANDREW DALLAS MORGAN,)
13)
14 Defendant.)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
29)

Case No. CRMD08-2462

JUDGMENT OF CONVICTION,
AND ORDER OF PROBATION
BRIDGE COURT

On the 7th day of April, 2008, ANDREW DALLAS MORGAN was arraigned before the Honorable Deborah A. Bail, and charged with the crimes of: I. BURGLARY, FELONY, I.C. §18-1401, II. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), III. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), and IV. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b); and

The defendant pled guilty to the offense of II. GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b) (Counts I, III, and IV were dismissed pursuant to plea agreement); and requested probation. It appears to the Court that probation is warranted. The defendant is placed on probation and sentence is suspended as follows:

For a minimum fixed and determinate period of confinement of two (2) years; followed by an indeterminate term not to exceed five (5) years, for a total of not to

1 exceed seven (7) years; suspended. The defendant is placed on probation for seven (7)
2 years, under the following special conditions:

3
4 1. That the probation is granted to and accepted by you, the probationer, subject to
5 all its terms and conditions and with the understanding that the Court may at any time, in
6 case of the violation of the terms of the probation, cause you to be returned to the Court for
7 the imposition of sentence as prescribed by law or any other punishment as the Court may
8 see fit to hand down.

10 2. You shall be under the legal custody and control of the Director of Probation and
11 Parole of the State of Idaho and the District Court. In addition to the special terms of this
12 probation imposed by the Court, you are also subject to the rules of probation prescribed by
13 the Board of Correction and your probation officer.
14

15
16 3. You are subject to the following special conditions:

17 a) **You shall participate and fully comply with Bridge Court. The court**
18 **will hold a review hearing on December 8, 2008 at 3:00 p.m.**

19 b) You shall serve one hundred twenty (120) days in the Ada County Jail with credit
20 being given for time served in the amount of sixteen (16) days, leaving a balance
21 of one hundred four (104) days to be served.

22 c) You shall serve ninety (90) days in the Ada County Jail with service of sentence
23 to be at the discretion of the probation officer under such terms and in such
24 increments as he or she directs. (Discretionary)

25 d) You must successfully complete any training or counseling program your
26 probation officer tells you to take and you are solely responsible for proving that
27 you are attending the programs your probation officer has directed you to take.
28 You must also take and successfully complete the Substance Abuse Treatment
29 Program and ABC classes while incarcerated. Additionally, you must take and
successfully complete Narcotics Anonymous and St. Alphonsus's Addiction
Recovery Program and provide proof of attendance to your probation officer.

- 1 e) You must be screened for participation in the Ada County Mental Health Court
2 program and, if accepted, successfully complete it. You must comply with any
3 and all additional conditions imposed by the Mental Health Court Judge.
- 4 f) You must pay restitution in the amount of four hundred ten dollars thirteen cents
5 (\$410.13). Your probation officer will set up a payment plan which you must
6 follow unless you ask for a modification from the Court.
- 7 g) You cannot refuse any B.A.C. (Blood Alcohol Content) tests when requested by
8 any law enforcement officer.
- 9 h) You must maintain, when feasible, full-time employment or full-time education
10 or a mix of both as approved your probation officer, and be able at all times to
11 prove to your probation officer your employment and/or educational status. You
12 may not be employed nor volunteer for work in nursing homes, assisted living
13 facilities, home health care, or work in any other medical field.
- 14 i) You must not go to any place where the sale of alcohol is the major source of the
15 establishment's business. You may not go to any bars or liquor stores.
- 16 j) You cannot purchase, possess or consume any alcoholic beverages while on
17 probation.
- 18 k) You must not purchase, possess or consume any drug or narcotic unless
19 specifically prescribed by a medical doctor. You must give a copy of the
20 prescription to your Probation Officer and sign a release authorizing your
21 treatment providers to speak freely with your probation officer and this Court.
- 22 l) YOU HAVE BEEN CONVICTED OF A FELONY. YOU MAY NOT OWN,
23 CARRY, POSSESS ANY WEAPONS OR FIREARMS OF ANY TYPE FOR
24 ANY REASON.
- 25 m) Because you are on probation, you are subject to search of your person, your
26 property and your residence at any time for any reason by your probation officer.
27 Your probation officer does not need a search warrant to search you or your
28 property or your residence. Your acceptance of this probation is an express
29 consent to search of your person, property or residence at any time and for any
reason. By accepting this probation, you waive any constitutional right to be free
from warrantless searches.
- n) You must submit, at your own expense, to a chemical test of your blood, breath or
urine for the detection of substance abuse, when requested by your probation
officer.

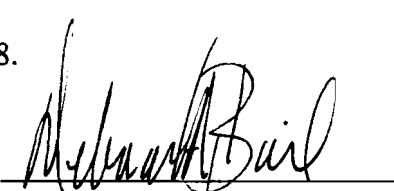
1
2 o) You must pay a monthly charge for probation supervision as established by the
3 Idaho State Board of Correction.

4 p) You must pay court costs of seventeen dollars fifty cents (\$17.50); Criminal
5 Justice Fee of ten dollars (\$10.00); Peace Officer and Detention Officer
6 Temporary Disability Fund (I.C. § 72-1105) fees of three dollars (\$3.00); P.O.S.T.
7 fees of ten dollars (\$10.00); ISTARs Fees of ten dollars (\$10.00); and you must
8 pay the Victim's Compensation Fund in the amount of fifty dollars (\$50.00).

9 4. IF YOU ARE PLACED ON PROBATION TO A DESTINATION
10 OUTSIDE THE STATE OF IDAHO, OR IF YOU LEAVE IDAHO WITH OR
11 WITHOUT THE PERMISSION OF YOUR PROBATION OFFICER, YOU WAIVE
12 EXTRADITION TO THE STATE OF IDAHO AND YOU ALSO AGREE THAT
13 THE YOU WILL NOT CONTEST ANY EFFORT BY ANY STATE TO RETURN
14 YOU TO THE STATE OF IDAHO. YOUR SIGNATURE ON THE PROBATION
15 ORDER IS AN ACCEPTANCE OF THIS CONDITION.
16
17

18 IF JAIL IS ORDERED or the Defendant is in the custody of the Ada County
19 Jail, the Clerk will deliver a certified copy of this Judgment to the Sheriff, which shall
20 serve as a commitment of the defendant.
21

22 Done in open court this 28th day of July, 2008.

23
24 
25 DEBORAH A. BAIL
26 District Judge
27
28
29

1 This is to certify that I have read or had read to me and fully understand and
2 accept all the conditions, regulations and restrictions under which I am being granted
3 probation. I will abide by and conform to them strictly and fully understand that my
4 failure to do so may result in the revocation of my probation.
5
6
7

8 _____
9 Probationer

Date of Acceptance

10
11 _____
12 Probation Officer
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

CERTIFICATE OF MAILING

I hereby certify that on this 29 day of July, 2008, I mailed (served) a true and correct copy of the within instrument to:

Ada County Prosecutor
INTERDEPT MAIL

Brad Poole
Attorney at Law
1110 N. Five Mile Rd.
Boise, ID 83713

Ada County Jail
INTERDEPT. MAIL

Probation & Parole-PSI Department
INTERDEPT. MAIL-Pickup Box

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

MENTAL HEALTH COURT MINUTES:

JUDGE: MICHAEL MCLAUGHLIN/ CLERK: KRISTIN BROWN DATE: AUGUST 28, 2008

CASE NUMBER: CRMD08-2462
NEW REFERRAL:

NAME: ANDREW MORGAN

SESSION:#. McLaughlin082808 (Mental Health Court)

P.A.: Josh Haws/Chris Atwood

P.D.: Edward Odessey/Craig Steveley/Jessica Bublitz

☒ DEFENDANT PRESENT/NOT PRESENT. (ROR/BOND/CUSTODY/PROBATION)

WARRANT ISSUED. BOND SET AT \$ /BOND FORFEITED/ROR REVOKED

PLEA AGREEMENT:

COURT QUESTIONS DEFENDANT, ACCEPTS INTO MENTAL HEALTH COURT.

COURT ORDERS DEFENDANT TO REPORT TO KELLY JENNINGS.

☒ MATTER REMANDED BACK TO Bail FOR 12/8 ON status DEFENDANT ORDERED TO APPEAR.

DEFENDANT DROPPED FROM MENTAL HEALTH COURT. SENTENCING FOR PSI ORDERED

COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

☒ MATTER CONTINUED TO AT FOR REVIEW; DEF. ORDERED TO APPEAR.

does not meet criteria.
no - back to Bail.

DEFENDANT PROMOTED TO PHASE II; PHASE III; PHASE IV.

AA/NA PER WEEK ANGER MGT BREATHALYZERS COMMUNITY SERVICE HOURS

CURFEW OF O'CLOCK DAILY CHECK IN ESSAY ON

FIND EMPLOYMENT LAST CHANCE ESSAY PROGRAM; LETTER OF APOLOGY

NO CONTACT WITH PYMNT PLAN RELAPSE PREVENTION

SILD- DAYS 1 ON 1 COUNSELING 12 STEP WKSHEETS; 90 AA/NA IN 90 DAYS

(OTHER)

DEFENDANT REMANDED INTO CUSTODY FOR

SEP 23 2008

J. DAVID NAVARRO, Clerk
By A. URQUIDI
DEPUTY

BRADLEY B. POOLE, CHARTERED
ATTORNEY AT LAW
1110 North Five Mile Road
Boise, Idaho 83713
Telephone: (208) 322-5536
Facsimile: (208) 323-7660
e-mail: bb_poole@msn.com
ISB# 1662

Attorney for *Defendant(s)*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	Case No. M08-02462
)	
Plaintiff,)	
	)	MOTION FOR EARLY RELEASE
-vs-)	
)	
ANDREW MORGAN,)	
)	
Defendant.)	
_____)	

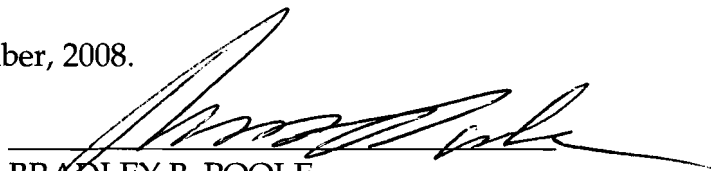
COMES NOW, the Defendant, in the above-entitled action, by and through Bradley B. Poole, his attorney of record, and moves the Court for an Order allowing him to be released early from the Ada County Jail based on:

- a. The Defendant will have served 66 days of his sentence on September 16, 2008;
- b. The Defendant will have completed the SAP and ABC programs by September 19, 2008;
- c. The course instructors will notify the Court upon course completion;
- d. Defendant has had an excellent record in jail; and

e. The Defendant desires to continue and/or start treatment programs for his drug and mental health issues.

This motion is also based on the file in this matter. Oral argument is requested on this motion.

DATED this 22 day of September, 2008.


BRADLEY B. POOLE
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 22 day of September, 2008, I served a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Ada County Prosecuting Attorney	<input type="checkbox"/>	U.S. Mail, postage prepaid
602 West Idaho	<input type="checkbox"/>	Hand-Delivered
Boise, Idaho 83702	<input type="checkbox"/>	Overnight Mail
	<input checked="" type="checkbox"/>	Facsimile: 208.287.7709


BRADLEY B. POOLE

SHERIFF'S OFFICE

ADA COUNTY

DAVID RANEY, SHERIFF

RECEIVED

SEP 19 2008

BRADLEY B. POOLE, CHTD

September 17, 2008

Honorable Judge Bail
4th Judicial District
Interdepartmental Mail


Re: Andrew Morgan
Case# CR-MD-2008-0002462

Dear Judge Bail:

We would like to inform you that the above named client has successfully completed the Ada County Jail Active Behavior Change Program. This four- week class contained the Moral Reconation Therapy Workbook, and included lectures, process groups, homework assignments, and testing.

This program is designed to assist individuals to develop thinking skills to change behavior. Participants further learn valuable life strategies such as communication skills and recognition of personal characteristics, including moral self- identification and values inventory. Additionally, they learn how to cluster pertinent resources to support them in developing reasonable action plans to attain their goals.

Clients in this program are offered a list of community resources to aid them in further addressing their needs. If you have additional inquiries please call 577-3490.

Sincerely,

Cindy Williams, BS.
Program Counselor

Cc: Bradley Poole – Private Attorney
1110 N Five Mile Rd, Boise, ID 83713



ADA COUNTY JAIL PROGRAMS

Telephone: 577-3490

Fax: 577-3449

20080919
7200 Barrister Drive • Boise, Idaho 83704-9217

Tel: 208-577-3000 • Fax: 208-577-3009 • Website: www.adasheriff.org

BRADLEY B. POOLE, CHARTERED
ATTORNEY AT LAW
1110 North Five Mile Road
Boise, Idaho 83713
Telephone: (208) 322-5536
Facsimile: (208) 323-7660
e-mail: bb_poole@msn.com
ISB# 1662

NO. _____ FILED
A.M. 10:20 P.M. _____
OCT 22 2008
J. DAVID NAVARRO, Clerk
By [Signature]
DEPUTY

Attorney for *Defendant(s)*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	Case No. M08-02462
)	
Plaintiff,)	
)	
-vs-	)	ORDER FOR EARLY RELEASE
)	
ANDREW MORGAN,)	
)	
Defendant.)	
_____)	

THIS MATTER having come before the Court and good cause appearing, therefore;
IT IS HEREBY ORDERED, ADJUDGED AND DECREED and this does ADJUDGE
AND DECREE that the Defendant is allowed to be released from the Ada County Jail based
on the following:

- a. The Defendant has served 66 days of his sentence;
- b. The Defendant has completed the SAP and ABC programs;
- c. The course instructors will notify the Court upon course completion;
- d. Defendant has had an excellent record in jail; and;

Ti CC: PA/PDI ACS

e. The Defendant shall continue and/or start treatment programs for his drug and mental health issues.

DATED this 21st day of October, 2008.

JUDGE

SHERIFF'S OFFICE

ADA COUNTY

Ada County Clerk

GARY RANEY, SHERIFF

NO. _____ FILED _____
A.M. 10:21 P.M. _____

October 15, 2008

OCT 22 2008

J. DAVID NAVARRO, Clerk
By [Signature] DEPUTY

Dear Judge Bail:

On 07/28/08 you ordered *Morgan, Andrew D.* LE# 687693 to serve 120 days on case #CRMD2008-0002462 in the Ada County Jail. While incarcerated, this person has participated in the following programs:

- ☐ Inmate Worker Program
- ☒ Substance Abuse Program (SAP)
- ☒ Active Behavior Change (ABC)
- ☐ General Educational Development (GED)
- ☐ Smart Money Management
- ☐ None

A check of our classification record on this person shows the person has had 0 rule violations.

Based on this information and that the defendant has no further violations, the Sheriff's Office requests that you approve 10 days of early release time to be applied to the sentence. Please indicate below your approval or denial of this request. Your time and consideration in this matter are appreciated. If you have any questions please contact Lt. Johnson at (208) 577-3710.

Sincerely,

GARY RANEY
Ada County Sheriff

[Signature]
Captain Linda Scow
Jail and Court Services Bureau Director

☒ Approval of Early Release
☐ Denial of Early Release
[Signature]
Signature of Judge



11 ne: PAIPDIAS

CRIMINAL CASE FILE MEMO

Review Bridge Ct

DATE: Dec 8, 2008 DEFENDANT PRESENT Y/N CUSTODY/BOND (BOND)

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

RE: State v Andrew Morgan CASE NO. CR0802462

Counsel for the State Kai Witterman

Counsel for the Defendant Brad Poole

Interpreter _____

Plea Bargain _____

Ct directs that def be drug tested. Marshal takes def for drug test.

5:00 pm - Ct resumes & notes def wasn't able to give a UA. Ct notes def is having blood work done tomorrow & orders that the results be given to Counsel, PO & the Court.

Ct authorizes the PO to have a hair follicle test done at def expense if need be.

Mr. Witterman addresses the Ct re: def not getting treatment and work.

Ct addresses def w/ his responses.

Ct Court review to Feb 2, 2009 @ 4:00

Motion for Bond Reduction - circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told) _____

CRIMINAL CASE FILE MEMO

Review/Bridge Ct

DATE: *Feb 2, 2009* DEFENDANT PRESENT *YN* CUSTODY BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ ~~Susan Gamber~~ *Kim Medsen*

RE: State v *Andrew Morgan* CASE NO. *CR08-02462*

Counsel for the State *Kai Wittmer*

Counsel for the Defendant *Brad Poole*

Interpreter _____

Plea Bargain *Ct reviews file + questions def*

w/ his response.

Ct cont Review to: May 18 @ 4:00

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told) _____

STATE OF NO FILED 1:30
A.M. P.M.

J. DAVID NAVARRO, Clerk
By [Signature]
DEPUTY

) Case No.CR-MD08-2462 :

) ORDER

)

2

)

It is so ordered.

day of April, 2009.

Rebecca A. Bail

Deborah A. Bail
District Judge

cc: PA/Pooler/P+P

CRIMINAL CASE FILE MEMO

DATE: May 18, 2007 DEFENDANT PRESENT Y/N CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambia

RE: State v Andrew Morgan CASE NO. C08024602

Counsel for the State Bydore Duggan

Counsel for the Defendant Brad Pool

Interpreter _____

Plea Bargain At review file + questions by w/ his response.

At cont review to: July 20 @ 4:00

Motion for Bond Reduction -- circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told) _____

CRIMINAL CASE FILE MEMO

Review/Bridge Ct

DATE: *July 20, 2009* DEFENDANT PRESENT ☒ IN CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

RE: State v *Andrew Morgan* CASE NO. *C080002462*

Counsel for the State *Barbara Duggan*

Counsel for the Defendant *Brad Poole*

Interpreter

Plea Bargain

Ct reviews file + Ms Bryant addresses th Ct + feels a PV will need to be filed w/ Ct's concerns. Ct has concerns if he would be eligible for MHC. Ct won't continue Bridge Ct w/ these problems. Ms Duggan will file a formal PV. Ms Bryant feels he may be considered for MHC. Ct reminds PO she has disc HES.

Ms Duggan has concerns on th def driving. Def states he sold his car + does not drive.

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told)

AUG 21 2009

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Monica Morrison
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
ANDREW DALLAS MORGAN,)
)
Defendant.)
_____)

Case No. CR-MD-2008-0002462

**MOTION FOR BENCH
WARRANT FOR
PROBATION VIOLATION**

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Monica Morrison, Deputy Prosecuting Attorney for Ada County,
State of Idaho, being first duly sworn, deposes and says:

That on the 9th day of June 2008, the said Defendant pled guilty to GRAND THEFT,
FELONY, and that on the 28th day of July 2008, this Court placed the Defendant on
probation for a period of seven (7) years.

**MOTION FOR BENCH WARRANT FOR
PROBATION VIOLATION (MORGAN/CR-MD-2008-0002462), Page 1**

000072

This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

1. Failing to attend and/or successfully complete St. Alphonsus Addiction Recovery Program as lawfully requested by his supervising officer, to-wit: the said Defendant has not attended treatment at St. Alphonsus since the 22nd day of June 2009.
2. Failing to attend and/or successfully complete Vocational Rehabilitation for employment and education assistance as lawfully requested by his supervising officer, to-wit: the said Defendant repeatedly failed to report for scheduled office visits with his case manager;
3. Failing to attend and/or successfully complete treatment at Health and Welfare as lawfully requested by his supervising officer, to-wit: a letter and email was received by Ms. Thor from Health and Welfare showing that the said Defendant was late, missed or cancelled several appointments on or between the 15th day of May 2009, through the 29th day of July 2009;
4. Failing to maintain full-time employment or a program approved by his supervising officer, to-wit: on the 12th day of June 2009, the said Defendant started working for Freezing Point but, was terminated after three (3) days for failing to report to work;
5. Failing to obtain permission before purchasing, possessing or consuming drugs or narcotics and provide a copy of the prescription to his supervising

officer, to-wit: the said Defendant has failed to inform his supervising officer when he has been prescribed narcotics for his migraine headaches, and by;

6.

Committing the crime of FAILURE TO PURCHASE/INVALID DRIVER'S LICENSE, MISDEMEANOR, on or about the 16th day of March 2009, filed as case number CR-IN-2009-0012956.

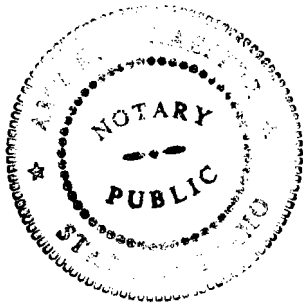
WHEREFORE, your affiant prays for an Order of this Court directing the Clerk of the Court to issue a Bench Warrant for the arrest of the Defendant requiring that he be arrested and brought before this Court on the arraignment day next following his arrest, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney

Monica R Morrison

By: Monica Morrison
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 21st day of August 2009.



Amy K Schaeffer
Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 05-02-2014

**IDAHO DEPARTMENT OF CORRECTION
DIVISION OF COMMUNITY CORRECTIONS**

*Probation and Parole, District 4
8752 W. Fairview Ave.
Boise, Idaho 83704
(208) 327-7008*

ORIGINAL

**RECEIVED
REPORT OF PROBATION VIOLATION
AUG 21 2009**

DATE: July 21, 2009

ADA COUNTY

TO: The Honorable Deborah A. Bail
Judge, Fourth District Court
Ada County Courthouse
Boise, Idaho 83702

NAME: MORGAN, Andrew Dallas

COURT CASE: CRMD08-2462

ADDRESS: 120 E. Mallard Apt #105, Boise, ID 83706

OFFENSE: Grand Theft

DATE OF SENTENCE: July 28, 2008

SENTENCE: 2-5 Years
7 Years Probation

DATE OF PROBATION: July 28, 2008

COUNTY: Ada

JUDICIAL DISTRICT: Fourth

RULE VIOLATED

COURT ORDER SPECIAL CONDITION (D), which states: You must successfully complete any training or counseling program your probation officer tells you to take and you are solely responsible for proving that you are attending the programs your probation officer has directed you to take. You must also take and successfully complete the Substance Abuse Treatment Program and ABC classes while incarcerated. Additionally, you must take and successfully complete Narcotics Anonymous and St. Alphonsus Addiction Recovery Program and provide proof of attendance to your probation officer.

SUMMARY

COURT ORDER SPECIAL CONDITION (D) was violated in that On June 22, 2009, the defendant's counselor at St. Alphonsus Addiction Recovery Program, told the defendant that he had excessive absences and he needed to start showing up for groups or he would be discharged from the program. On August 6, 2009, Ms. Normand told me that she had given the defendant a lot of leeway due to his reported medical and depression issues, but she had repeatedly told the defendant that he needed to report to group. The defendant has not attended treatment at St. Alphonsus since June 22, 2009.

000076

On October 30, 2008, the defendant was referred to Vocational Rehabilitation for employment and educational assistance. The defendant repeatedly failed to report for scheduled office visits with his casemanager, Tara Richardson, and his case has been closed.

On December 7, 2008, the defendant began treatment at Health & Welfare. On June 18, 2009, Ms. Claudette Thor sent me a letter that stated the defendant had missed or been late for several appointments and there was concern over inconsistencies in self-reported use of pain and anti-anxiety medications (see attached).

On August 3, 2009, I received the following email from Ms. Thor: "Mr. Morgan has either cancelled or no-showed for the past 5 sessions: 6/24/09-cancel, 7/8/09-cancel, 7/15/09-no show/no call, 7/22/09-left voicemail to cancel, 7/29/09-no show/no call. I will be unable to see Mr. Morgan for individual sessions unless he wishes to commit to attending on a regular basis." On August 4, 2009, I called the defendant and he admitted that he has not attended treatment with Ms. Thor since mid-June 2009.

The defendant has failed to inform me when he misses his treatment programs, despite my repeated instructions to him to do so.

RULE VIOLATED

COURT ORDER SPECIAL CONDITION (h), which states: You must maintain, when feasible, full-time employment of full-time education or a mix of both as approved by your probation officer, and be able at all times to prove to your probation officer your employment and/or educational status. You may not be employed nor volunteer for work in nursing homes, assisted living facilities, home health care, or work in any other medical field.

SUMMARY

COURT ORDER CONDITION (h) was violated in that The defendant started working for Freezing Point on June 12, 2009, but was terminated from this job after three days because he did not report to work. The defendant has not had any other employment nor been enrolled in an educational program for the duration of his probation.

RULE VIOLATED

COURT ORDER SPECIAL CONDITION (k), which states: You must not purchase, possess or consume any drug or narcotic unless specifically prescribed by a medical doctor. You must give a copy of the prescription to your Probation officer and sign a release authorizing your treatment providers to speak freely with you probation officer and this Court.

SUMMARY

COURT ORDER CONDITION (k) was violated in that Throughout the duration of the defendant's probation, he has repeatedly failed to inform this probation officer when he has been prescribed narcotics for his migraine headaches. When confronted with this issue, the defendant has stated to me that he assumed I should know he was taking narcotics due to his ongoing medical problems.

RULE VIOLATED

IDOC AGREEMENT OF SUPERVISION CONDITION NO. 2, which states: **Laws and Conduct:** The defendant shall obey all laws, municipal, county, state and federal...

SUMMARY

IDOC AGREEMENT OF SUPERVISION CONDITION NO. 2 was violated in that On March 16, the defendant was charged with Fail to Purchase/Invalid Driver's License and Fail to Purchase Insurance. This matter has had a final disposition and the defendant currently has a valid driver's license.

INTERMEDIATE SANCTIONS

Vocational Rehabilitation Program, individual and group counseling with Health & Welfare, St. Alphonsus Addiction Recovery Program, frequent contact with probation officer, UA's. The defendant has failed to follow through with all treatment programming & has repeatedly missed scheduled office visits with this probation officer.

SUPERVISION HISTORY

RESIDENCE HISTORY

The defendant resided with his brother in Kuna, Idaho, his grandmother in Boise, Idaho, and moved into his own apartment in May 2009.

EMPLOYMENT and EDUCATION

The defendant started working for Freezing Point on June 12, 2009, but was terminated from this job after three days because he did not report to work. The defendant has not had any other employment nor been enrolled in an educational program for the duration of his probation.

RELATIONSHIPS and FAMILY

The defendant has reported that his family has been very supportive and is currently providing financial support to the defendant.

PHYSICAL/MENTAL HEALTH

The defendant has reported he suffers from severe migraine headaches. He also suffers from depression and is currently taking medication for this illness.

SUBSTANCE ABUSE

The defendant has periodically been prescribed narcotics for reported migraine headaches during his probation period. However, the defendant has repeatedly failed to report to this probation officer when he is taking narcotics.

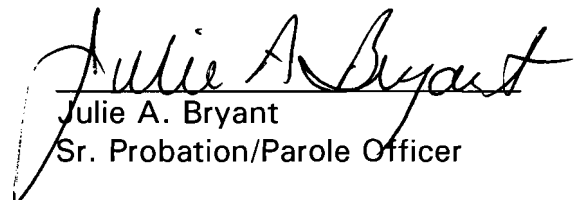
RECOMMENDATION

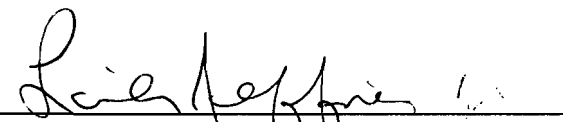
On July 28, 2008, Andrew D. Morgan was sentenced before the Court for the felony crime of Grand Theft. He was granted a suspended sentence, placed on probation for a period of seven (7) years, and given the opportunity to participate in Bridge Court.

During Mr. Morgan's probation period, he has repeatedly missed his scheduled appointments with his treatment providers and probation officer, continued to use narcotics for pain management, and has failed to maintain stable employment. He has failed to inform me when he is taking narcotics or if there are changes in his treatment programming. Mr. Morgan has been diagnosed with depression and is currently taking prescription medication. He has reported to his treatment providers that his depression is getting worse and although he is not suicidal, there are times when it "is close." I believe that Mr. Morgan's medical and psychiatric issues are interfering with his treatment, employment, the Court's orders, and conditions of probation. I strongly believe that Mr. Morgan would benefit from a higher level of mental health services and probation supervision.

Therefore, it is respectfully requested that a **BENCH WARRANT** be issued for the arrest of Andrew Dallas Morgan and he be returned to the court for further disposition in this case. If the defendant is found to have violated the terms of his probation, it is respectfully recommended that he be assessed for the Ada County Mental Health Court program.

Respectfully submitted,


Julie A. Bryant
Sr. Probation/Parole Officer

APPROVED: 
Shelly Williams, Section Supervisor
Community Corrections, District 4

THE ABOVE DOCUMENTED INFORMATION, WHICH IS IN WRITING, IS KNOWN BY ME TO BE
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

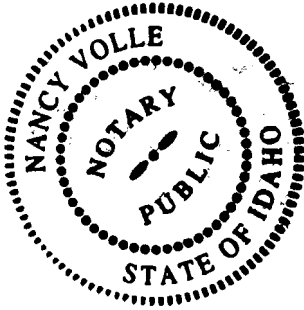
Julie A. Bryant
Probation Officer

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF IDAHO, ON
THIS 7 DAY OF August, 2009.

Nancy Volle
Notary Public

Residing at Boise, Idaho

My commission expires 10-20-11





IDAHO DEPARTMENT OF HEALTH & WELFARE

C.L. "Butch" Otter - Governor
Richard M. Armstrong - Director

KATHLEEN ALLYN - Administrator
DIVISION OF BEHAVIOR HEALTH
GINA WESTCOTT - Program Manager
REGION IV MENTAL HEALTH SERVICES
1720 Westgate Dr., Ste. B
P.O. Box 83720
BOISE, IDAHO 83720-0028
PHONE 208-334-0800
FAX 208-334-0804

June 18, 2009

Re: Andrew Morgan
SS#: [REDACTED]

To Whom It May Concern:

Mr. Morgan has been a client with IDHW since 12/2008. Over the past several months Mr. Morgan has struggled with his medical and psychiatric stability. He has missed or been late to several appointments, reportedly due to his medical issues including: 5/15/09-No Show; 5/29/09-No Show; 6/3/09-No Show (appt. w/Psychiatrist); 6/4/09 -Cancel; 6/17/09 Cancel; and 6/18/09-No Show (Client reported increase in psychiatric symptoms and requested emergency appt. He was asked to appear in office between 8:00 and 11:00).

There has also been concern over inconsistencies in self-reported use of pain and anti-anxiety medications, confirmed by Idaho State Board of Pharmacy-Abuse Prevention & Diversion Investigation Program.

It would appear that Mr. Morgan may benefit from a higher level of services than provided by IDHW-Adult Mental Health Outpatient Clinic.

Please feel free to contact me at 334-0713 if you have any questions regarding Mr. Morgan.

Sincerely,

Claudette M Thor, Clinician
Region IV IDHW Adult Mental Health

State of Idaho vs. Andrew Dallas Morgan

Filed: 3/18/2009
Subtype: Infraction

Physical File: Appealed: N

Comment:

Status History

Pending	3/18/2009
Closed pending clerk action	4/7/2009
Closed	4/7/2009

Judge History

Date	Judge	Reason for Removal
3/18/2009	Clerk, Magistrate Court	Current

Payments

	Receipt	Date	Type	Amount
Morgan, Andrew Dallas	44311	4/7/2009	Criminal Payment	260.50
Total				260.50

State of Idaho vs. Andrew Dallas Morgan

Defendant

Name: Morgan, Andrew Dallas

Address: 2577 W Gainesboro Dr
Kuna ID 83634

SSN: [REDACTED]
DOB: [REDACTED]
Sex: Male

Phone Number: [REDACTED] Work: [REDACTED]

Driver's license: [REDACTED] ID [REDACTED] FPC Number: [REDACTED]

Employer: [REDACTED]

Comment: [REDACTED]

Money Due Date: 4/7/2009 Extension Date: [REDACTED] Hold Date: [REDACTED]

Agreement Date: [REDACTED] Terms: [REDACTED]

Trial Held: No Trial

First Appearance: [REDACTED]

Register of Actions

3/18/2009	NCRI	New Case Filed - Infraction	Clerk, Magistrate Court
4/7/2009	FIGT	Finding of Guilty (I49-1232 Insurance-fail To Provide Proof Of Insurance)	Clerk, Magistrate Court
	SNPF	Sentenced To Pay Fine 116.50 charge: I49-1232 Insurance-fail To Provide Proof Of Insurance	Clerk, Magistrate Court
	FIGT	Finding of Guilty (I49-301 Driver License - Fail to Purchase/Invalid)	Clerk, Magistrate Court
	STAT	STATUS CHANGED: closed pending clerk action	Clerk, Magistrate Court
	SNPF	Sentenced To Pay Fine 144.00 charge: I49-301 Driver License - Fail to Purchase/Invalid	Clerk, Magistrate Court
	STAT	STATUS CHANGED: closed	Clerk, Magistrate Court

State of Idaho vs. Andrew Dallas Morgan

Charges

Charge: 200804 149-1232 Insurance-fail To Provide Proof Of Insurance Degree: I

Comment:

Violation Date: 3/16/2009 10:15 PM

Officer: Byington, Jeremy David, AD

Police Reference:

Disposition Date: 4/7/2009 Comment:

Plea: None Finding: Guilty

Other Finding:

Sentencing Defer Date:

Modified Sentence: Modified Sentence Date:

Jurisdiction: Retained: Retained Days: Relinquished:

License Suspension: Years: Months: Days:
Suspended: Suspension reported:
Complied: Compliance reported:

Citation: 423293 Appearance Date: 4/6/2009 Accident: No
Cited Speed: Posted Speed: Hazardous Material: No Commercial Vehicle: No
Drivers License: YA297667D ID Vehicle Plate: 1ADH440 ID

ITD Reported :

BCI Reported Date: Withheld Reported Date:

JCA Reported Date: Agency Reported Date:

F and G Reimbursement: F and G Meat Processing Fee: Interlock Device:

Confinement Complete By: Years: Months: Days:

Suspended:

Credited Time:

Home:

Discretionary:

Penitentiary Determinate:

Penitentiary Indeterminate:

Juvenile:

Other:

Withheld:

Charge Withheld Result: Withheld Result Date:

Concurrent Sentences:

Consecutive Sentences:

Commuted Sentence: Penitentiary Suspended:

Life Sentence: Death Sentence:

Comment:

Fines/Fees

Description	Type	Amount	Date
Fine	Original	75.00	4/7/2009
	Payment	-75.00	Receipt: 44311 4/7/2009
	Item total:	0.00	
Court Costs - Infraction	Original	16.50	4/7/2009

State of Idaho vs. Andrew Dallas Morgan

Charges
Fines/Fees

Description	Type	Amount	Date
	Payment	-16.50 Receipt: 44311	4/7/2009
	Item total:	0.00	
POST Fee	Original	10.00	4/7/2009
	Payment	-10.00 Receipt: 44311	4/7/2009
	Item total:	0.00	
Administrative Surcharge	Original	5.00	4/7/2009
	Payment	-5.00 Receipt: 44311	4/7/2009
	Item total:	0.00	
ISTARS Tech Fund	Original	10.00	4/7/2009
	Payment	-10.00 Receipt: 44311	4/7/2009
	Item total:	0.00	
Fine and Fees Total:		0.00	

State of Idaho vs. Andrew Dallas Morgan

Charges

Charge: 200804 149-301 Driver License - Fail to Purchase/Invalid Degree: M

Comment:
Violation Date: 3/16/2009 10:15 PM

Officer: Byington, Jeremy David, AD Police Reference:
Disposition Date: 4/7/2009 Comment:
Plea: None Finding: Guilty
Other Finding:

Sentencing Defer Date:
Modified Sentence: Modified Sentence Date:
Jurisdiction: Retained: Retained Days: Relinquished:
License Suspension: Years: Months: Days:
Suspended: Suspension reported:
Complied: Compliance reported:
Citation: 423292 Appearance Date: 4/6/2009 Accident: No
Cited Speed: Posted Speed: Hazardous Material: No Commercial Vehicle: No
Drivers License: YA297667D ID Vehicle Plate: 1ADH440 ID
ITD Reported :
BCI Reported Date: Withheld Reported Date:
JCA Reported Date: Agency Reported Date:
F and G Reimbursement: F and G Meat Processing Fee: Interlock Device:
Confinement Complete By: Years: Months: Days:

Suspended:
Credited Time:
Home:
Discretionary:
Penitentiary Determinate:
Penitentiary Indeterminate:
Juvenile:
Other:
Withheld:
Charge Withheld Result: Withheld Result Date:
Concurrent Sentences:
Consecutive Sentences:
Commuted Sentence: Penitentiary Suspended:
Life Sentence: Death Sentence:
Comment:

Fines/Fees

Description	Type	Amount	Date
Fine	Original	68.50	4/7/2009
	Payment	-68.50	4/7/2009
	Item total:	0.00	
POST Fee	Original	10.00	4/7/2009

State of Idaho vs. Andrew Dallas Morgan

Charges

Fines/Fees

Description	Type	Amount	Date
	Payment	-10.00 Receipt: 44311	4/7/2009
	Item total:	0.00	
Victim Comp. - Misdemeanor	Original	25.00	4/7/2009
	Payment	-25.00 Receipt: 44311	4/7/2009
	Item total:	0.00	
Administrative Surcharge - Mis	Original	10.00	4/7/2009
	Payment	-10.00 Receipt: 44311	4/7/2009
	Item total:	0.00	
ISTARS Tech Fund	Original	10.00	4/7/2009
	Payment	-10.00 Receipt: 44311	4/7/2009
	Item total:	0.00	
Court Costs - Misd/Fel	Original	17.50	4/7/2009
	Payment	-17.50 Receipt: 44311	4/7/2009
	Item total:	0.00	
Peace Officer and Detention C	Original	3.00	4/7/2009
	Payment	-3.00 Receipt: 44311	4/7/2009
	Item total:	0.00	
Fine and Fees Total:		0.00	

I hereby certify that the attached record is a true and accurate reflection of the information related to this case, so far as it is documented in the ISTAR system.

Date: _____

Signature: _____

Deputy Clerk of the 4th District Court
in and for the County of Ada

RECEIVED

SEP 17 2009

AUG 21 2009

J. DAVID NAVARRO, Clerk
By K WOLF
DEPUTY

ADA COUNTY CLERK

GREG H. BOWER

Ada County Prosecuting Attorney

Monica Morrison

Deputy Prosecuting Attorney

200 West Front Street, Room 3191

Boise, Idaho 83702

Telephone: (208) 287-7700

Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

ANDREW DALLAS MORGAN,

Defendant.

Case No. CR-MD-2008-0002462

**ORDER FOR BENCH WARRANT FOR
PROBATION VIOLATION**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of the Court issue a Bench Warrant for the arrest of the Defendant requiring that he be arrested at any time during the day or night and brought before this Court on the arraignment day next following his arrest.

It is further ordered that the above-named Defendant shall remain on active probationary status and be subject to all requirements of his probation order during the pendency of these

**ORDER FOR BENCH WARRANT FOR
PROBATION VIOLATION (MORGAN/CR-MD-2008-0002462), Page 1**

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proceedings, unless the Defendant meets the criteria for absconding. Bond is set at \$ 2,500⁰⁰
_____ pending arraignment on the Bench Warrant.

DATED this 16th day of September 2009.



Judge

BOND SET AT:

\$ _____ Cash/Surety

\$ _____ Cash

\$ _____ Surety

DR# 08-804212

687693

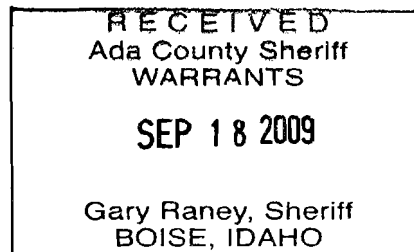
NO. _____ FILED _____
A.M. 1:50 P.M.

SEP 24 2009

J. DAVID NAVARRO, Clerk
By CHERYL WADAMS
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Monica Morrison
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

ANDREW DALLAS MORGAN,)

Defendant.)

3-8-80)

MD-2008-2462-01.01

Case No. CR-MD-2008-0002462

**BENCH WARRANT FOR
PROBATION VIOLATION**

TO ANY SHERIFF, CONSTABLE OR PEACE OFFICER OF THE STATE OF IDAHO:

YOU ARE HEREBY COMMANDED forthwith, to arrest the defendant and probationer at any time during the day or night and deliver him into the custody of the Sheriff of Ada County, Idaho, at the County Jail; the Defendant and Probationer to be brought before this Court on the next regular arraignment day of the Court following his arrest and delivery to the Ada County Jail, then and there to show cause, if any, why the

BENCH WARRANT FOR PROBATION VIOLATION
(MORGAN/CR-MD-2008-0002462), Page 1

ARRESTED
ADA COUNTY SHERIFF 000090

probation and withheld sentence heretofore granted him in the above-entitled cause should not be revoked and sentence imposed according to law, it appearing to this Court that the Defendant, a probationer under the jurisdiction of this Court, has violated the terms and conditions of said Judgment and Order and Agreement of Probation.

DATED this 17 day of Sept 2009.

J. DAVID NAVARRO
Ada County Clerk

[Signature]
By: Deputy Clerk

BOND SET AT:

\$ 2500 Cash/Surety

\$ _____ Cash

\$ _____ Surety

Pending arraignment on the Bench Warrant by Judge 15/ Bail.

SERVED By:

E. Johnson 4618 11
Ada County Sheriff

9.23.09

@ 1725 hrs.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

THE STATE OF IDAHO,
Plaintiff,

vs.

MORGAN ANDREW DALLAS
Defendant

NOTICE OF COURT DATE

NO. AND 1011 FILED
BOND RECEIPT P.M.

SEP 24 2009

J. DAVID NAVARRO, Clerk
By CHERYL WADAMS
DEPUTY

✓
YOU ARE HEREBY NOTIFIED that you must appear in Court
on 05 October 2009 at 01:30PM hrs, at the:

Ada County Court House
200 West Front Street
Boise, ID 837020000

You are further notified that if you fail to appear as specified herein, your bond
will be forfeited and a Warrant of Arrest will be issued against you.

BOND RECEIPT No: 251092

Charge: Bench: {F} PROBATION VIOLATION
Bond Amount: \$ 2,500.00
Case # CRMD20080002462
Bond # DN5-2585666
Bond Type: Surety
Warrant #:
Agency: ALADDIN/ANYTIME BAIL BONDS
Bondsman: JOHNSON AARON
Address: 80 N COLE RD
Boise, ID 83704
✓

This is to certify that I have received a copy of this
NOTICE TO APPEAR. I understand that I am being released on the
conditions of posting bail and my promise to appear in the court
at the time, date, and place described in this notice.

DATED

Sept 23 2009

DEFENDANT

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

DEBORAH A. BAIL
DISTRICT JUDGE

Date: Oct 5, 2009

COURT MINUTES

STATE OF IDAHO,

Plaintiff,

vs.

Andrew Morgan
Defendant, P/B

Case No. CR080002462

ARRAIGNMENT ON
PROBATION VIOLATION

Appearances:

Monice Morrison

Deputy Prosecuting Attorney

Counsel for the State

Brad Poole - Not present

Deputy Public Defender

Counsel for the Defendant

Interpreter _____

Introduction of Court, Hon. Deborah A. Bail presiding at this defendant's arraignment on accusation he has violated his probation entered herein on

Probationer notified as follows:

Defendant acknowledged he has read motion.

Of possible consequences if it is found the defendant has violated his probation;

Of right to Counsel at this arraignment

Public Defender appointed to represent the defendant.

Of the right to a hearing on whether defendant has violated probation and the State has the burden to prove violation by a preponderance of the evidence;

Of the right to be represented by counsel at that hearing at public expense if defendant cannot provide his own counsel.

Of opportunity to confront and cross-examine any adverse witnesses;

Mr. Morgan states he has hired Brad Poole who called to make it today.

000093

Of the opportunity to appear and present evidence in his own behalf and have the process of this Court to bring witnesses before the Court to testify in his own behalf;

Of the duty of the Court to make written findings of fact and conclusions of law to reflect the decision of the Court on whether or not Defendant has violated probation;

Of time to decide whether defendant wants to admit or deny the alleged violation;

Next date of appearance is: Oct 19^c 1:30 for
Admit/Deny.

Remarks: Defendant is _____.

The defendant is served with a copy of the Motion and Order for BW for PV.

Reporter: Susan Gambee
Clerk: Carol Luedtka

CRIMINAL CASE FILE MEMO

DATE: Oct 19, 2009 DEFENDANT PRESENT (Y) IN CUSTODY (X) BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

RE: State v Andrew Morgan CASE NO. CL080002462

Counsel for the State Monica Morrison

Counsel for the Defendant _____

Interpreter _____

Plea Bargain Mr Morgan states his attorney

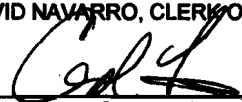
hasnt been able to meet w/ him

Ct appts PD

Ct cont this to Oct 26 @ 1:30 for A/D

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told) _____

FILED
Tuesday, October 20, 2009 at 12:52 PM
J. DAVID NAVARRO, CLERK OF THE COURT
BY: 
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ANDREW DALLAS MORGAN,

Defendant.

Case No. CR-MD-2008-0002462

NOTICE AND ORDER
APPOINTING PUBLIC DEFENDER

TO: The Office of the Ada County Public Defender:

The above named defendant appeared before the Court and requested the aid of counsel, and the Court being satisfied that said defendant is a needy person entitled to appointment of counsel:

IT IS HEREBY ORDERED That you are appointed to represent the defendant in all matters pertaining to this action, or in the District Court until relieved by Court Order.

- ☐ In the custody of the Sheriff
- ☐ Released on Bond
- ☐ Released on his own recognizance

Dated Tuesday, October 20, 2009.


DEBORAH A. BAIL
DISTRICT JUDGE

cl

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. 3

OCT 20 2009

J. DAVID NAVARRO, Cler
By SCARLETT RAMIREZ
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

ANDREW DALLAS MORGAN,

Defendant.

Case No. CR-MD-2008-0002462

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

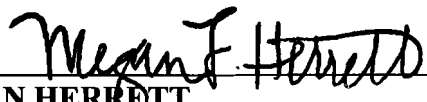
- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

THK

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Tuesday, October 20, 2009.



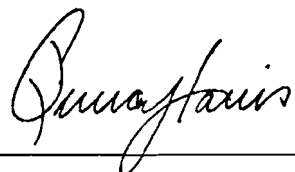
MEGAN HERRETT
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Tuesday, October 20, 2009, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



CRIMINAL CASE FILE MEMO

Admit/Deny

DATE: Oct 26, 2009 DEFENDANT PRESENT (Y) IN CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

RE: State v Andrew Morgan CASE NO. CR080002462

Counsel for the State Kai Withers

Counsel for the Defendant Megan Herrett

Interpreter _____

Plea Bargain Deny

PV Hearing Nov 23 @ 9:30

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told) _____

CRIMINAL CASE FILE MEMO

PV Hearing

DATE: Nov 23, 2009 DEFENDANT PRESENT ON CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

RE: State v Andrew Morgan CASE NO. C080002462

Counsel for the State

Kari Wattan

Counsel for the Defendant

Nick Waller

Interpreter

Plea Bargain

admits 1, 4 & 6

Ct directs def to be assessed for NHC immediately
Ct won't order a PST update -

PST update

PV Dispo Dec 14 @ 3:00

Motion for Bond Reduction – circle/ Not Advanced/ Withdrawn Denied Granted

Additional Remarks (include anything the defendant or either counsel was told)

PROBATION VIOLATION DISPOSITION MEMO

DATE: Dec 14, 2009 DEFENDANT PRESENT Y/N CUSTODY BOND

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambie

CASE: STATE v Andrew Morgan Case No. C0800002462

Prosecutor: Tessie Buttram Defense Counsel Megan Herrell

State recommends: _____

Defense recommends: _____

Interpreter _____

COURT: Probation () Reinstated () Revoked; Sentence Imposed () Commuted _____ Yrs
() Withheld Judgment Revoked; Judgment of Conviction entered

Term of years= _____ fixed followed by _____ indeterminate for a total: _____

() RETAINED JURISDICTION

() SUSPENDED, CONDITIONS OF PROBATION:

1. Counseling as directed by P.O. with proof of attendance, and specifically:
Mental health counseling, Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: _____
2. Restitution: \$ _____ or State has _____ days to provide restitution figure; Defense
has _____ days to object. Joint and Several
3. Defendant shall be subject to random blood, breath and urinalysis.
4. Defendant is subject to search of person, property, and residence and waives 4th Amendment rights.
5. Defendant shall maintain full time employment.
6. Defendant shall maintain full time employment or be involved in a full time educational program with the
approval of his or her P.O.
7. Defendant shall not refuse any blood alcohol content tests.
8. Defendant may not purchase, possess or consume any alcohol.
9. Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
10. Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____.
12. Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy
of the prescription to his/her P.O.
13. Defendant shall complete his/her GED/HSE.
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL

DISCRETIONARY JAIL TO PO

Additional conditions:

*At received information the def didn't get the paperwork for
MHC filled out & into them for review. At has def hardal paperwork for MHC &
has him sit in the courtroom and fill it out.
At recalls the case - Ms Herrell has the MHC questionnaire handed to the ct. At will have
her clerk submit it. If def fails to appear for MHC session a BW 000000 be issued
At cont PV Dispo to Jan 14 @ 9:30*

MENTAL HEALTH COURT MINUTES:

JUDGE: MICHAEL MCLAUGHLIN/CINDY HO

DATE: JANUARY 7, 2010

CASE NUMBER: CR-MD-08-02462

NAME: ANDREW MORGAN

PHASE: PENDING

DOB: [REDACTED]

SS# [REDACTED]

SESSION#: (Mental Health Court) - MHCMcL

9:43:08

P.A.: Joshua Haws/Karen Sheehan

P.D. Ed Odessey/Craig Steveley/Jessica Bublitz

☒ DEFENDANT PRESENT/NOT PRESENT. (ROR/BOND/CUSTODY/PROBATION)

WARRANT ISSUED. BOND SET AT \$ /BOND FORFEITED/ROR REVOKED

PLEA AGREEMENT:

COURT QUESTIONS DEFENDANT, ACCEPTS INTO MENTAL HEALTH COURT.

COURT ORDERS DEFENDANT TO REPORT TO KELLY NORRIS.

☒ MATTER REMANDED BACK TO Judge Bail

DEFENDANT ORDERED TO APPEAR FOR 1-14-10 ON 9:30

DEFENDANT DROPPED FROM MENTAL HEALTH COURT. SENTENCING FOR PSI ORDERED

COURT MAKES MISC. COMMENTS TO DEFENDANT REGARDING HIS/HER PROGRESS.

☒ MATTER CONTINUED TO AT FOR REVIEW; DEF. ORDERED TO APPEAR.

DEFENDANT PROMOTED TO PHASE II; PHASE III; PHASE IV.

AA/NA PER WEEK ANGER MGT BREATHALYZERS COMMUNITY SERVICE HOURS

CURFEW OF O'CLOCK DAILY CHECK IN ESSAY ON

FIND EMPLOYMENT LAST CHANCE ESSAY PROGRAM; LETTER OF APOLOGY

NO CONTACT WITH PYMNT PLAN RELAPSE PREVENTION

SILD- DAYS 1 ON 1 COUNSELING 12 STEP WKSHEETS; 90 AA/NA IN 90 DAYS

(OTHER)

DEFENDANT REMANDED INTO CUSTODY FOR / DEFENDANT RELEASED

PROBATION VIOLATION DISPOSITION MEMO

DATE: Jan 14, 2010 DEFENDANT PRESENT (Y/N) CUSTODY (BOND)

FROM: Judge Deborah Bail/ Carol Luedtka/ Susan Gambee

CASE: STATE v Andrew Morgan Case No. CR080002462

Prosecutor: Monica Morrison Defense Counsel Negan Herrett

State recommends: Revoke & Impose w/ Rider

Defense recommends: Probation w/ MTH Supervision

Interpreter _____

COURT: Probation () Reinstated () ☒ Revoked; Sentence Imposed () Commuted _____ Yrs
() Withheld Judgment Revoked; Judgment of Conviction entered

Term of years= 2 fixed followed by 5 indeterminate for a total: 7

☒ RETAINED JURISDICTION

() SUSPENDED, CONDITIONS OF PROBATION:

*This Rider is to focus
on Mental Health treatment
+ Sub Abuse treatment*

1. Counseling as directed by P.O. with proof of attendance, and specifically:
Mental health counseling, Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: _____
2. Restitution: \$ _____ or State has _____ days to provide restitution figure; Defense
has _____ days to object. Joint and Several
3. Defendant shall be subject to random blood, breath and urinalysis.
4. Defendant is subject to search of person, property, and residence and waives 4th Amendment rights.
5. Defendant shall maintain full time employment.
6. Defendant shall maintain full time employment or be involved in a full time educational program with the
approval of his or her P.O.
7. Defendant shall not refuse any blood alcohol content tests.
8. Defendant may not purchase, possess or consume any alcohol.
9. Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
10. Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____.
12. Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy
of the prescription to his/her P.O.
13. Defendant shall complete his/her GED/HSE.
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL _____ DISCRETIONARY JAIL TO PO _____

Additional conditions: _____

Def is remanded to custody

JAN 15 2010

By J. DAVILA NAVARRO Clerk
[Signature]
DEPT. _____

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ANDREW DALLAS MORGAN,

Defendant.

SSN: [REDACTED]

DOB: [REDACTED]

Case No. CRMD08002462

ORDER REVOKING PROBATION,
JUDGMENT OF CONVICTION,
AND
ORDER OF RETAINED
JURISDICTION

The Prosecuting Attorney, the defendant, ANDREW DALLAS MORGAN, and his counsel, Megan Herrett, Deputy Public Defender, came into court this 14th day of January, 2010.

The defendant having appeared before the Court on an Order for Bench Warrant for Probation Violation filed herein on September 16, 2009, and the defendant on November 23, 2009, having admitted to being in violation of his probation as granted by this Court, and it appearing that probation should be revoked;

IT IS HEREBY ORDERED That the probation entered by this Court on July 28, 2008, be and the same is hereby revoked, and that the Judgment of Conviction for GRAND THEFT, FELONY, I.C. §18-2403(1), 2407(1)(b), be entered and executed as follows:

1 IT IS ADJUDGED that the defendant is sentenced pursuant to Idaho Code §19-
2 2513 to the custody of the Idaho State Board of Correction, to be held and incarcerated by
3 said Board in a suitable place for a period of time as follows:
4

5 For a minimum fixed and determinate period of confinement of two (2) years; such
6 fixed minimum period shall thereafter be followed by an indeterminate period of custody
7 of up to five (5) years, for a total term not to exceed seven (7) years.
8

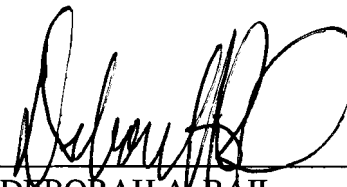
9 **The Court retains jurisdiction for 180 days under Idaho Code §19-2601(4).**

10 **This Rider program is to focus on mental health treatment and substance**
11 **abuse treatment.**
12

13 IT IS FURTHER ORDERED that the defendant be committed to the custody of the
14 Sheriff of Ada County, Idaho, for delivery forthwith to the custody of the Idaho State
15 Board of Correction at the Idaho State Penitentiary or other facility within the state
16 designated by the State Board of Correction.
17

18 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this
19 Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the
20 defendant.
21

22 Done in open court this 14th day of January, 2010.
23

24 
25 _____
26 DEBORAH A. BAIL
27 District Judge
28
29

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CERTIFICATE OF MAILING

I hereby certify that on this 15th day of January, 2010, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
INTERDEPT MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPT MAIL

ADA COUNTY JAIL
INTERDEPT MAIL

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
1299 NORTH ORCHARD SUITE 110
BOISE ID 83706

PROBATION & PAROLE
INTERDEPT MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

FILED
Friday, June 18, 2010 at 02:42 PM
J. DAVID NAVARRO, CLERK OF THE COURT
BY: Cool Lucas
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ANDREW DALLAS MORGAN,

Defendant.

Case No. CR-MD-2008-0002462

ORDER TO TRANSPORT

Inmate Number: 687693

DOB: [REDACTED]

It appearing that the above-named defendant is in the custody of the Idaho State Board of Correction, and that it is necessary that **ANDREW DALLAS MORGAN** be brought before this Court for:

Rider Review.....Monday, July 19, 2010 @ 09:30 AM

It is THEREFORE ORDERED That the Ada County Sheriff bring the Defendant from the Penitentiary to the Court at said time and on said date;

IT IS FURTHER ORDERED That immediately following said Court appearance the Sheriff will return the said Defendant to the custody of the Idaho State Board of Correction until the court orders otherwise;

IT IS FURTHER ORDERED That the Idaho State Board of Correction release the said Defendant to the Ada County Sheriff for the purpose of the aforementioned appearance and await further order of the court.

IT IS FURTHER ORDERED That the Clerk of this Court serve a copy hereof upon the Idaho State Board of Correction forthwith and certify to the same.

Dated Friday, June 18, 2010.

Deborah A. Bail
DEBORAH A. BAIL
DISTRICT JUDGE

Order to Transport

000107

cl
cc: PA/PP/AMS/doc

RIDER REVIEW MEMO

DATE: July 19, 2010 DEFENDANT PRESENT YN CUSTODY/BOND

FROM: Judge Deborah Bail/ Carol Luedtka / Susan Gambee

CASE: STATE v Andrew Morgan No. CL080002462

Prosecutor: Monica Morrison Defense Counsel Megan Herrett

Interpreter _____

State recommends: No obj to Probation w/ waiver of HIPA.

Defense recommends: Probation - HIPA already signed & waived.

Court: () DROPS JURISDICTION; IMPOSES SENTENCE

(☒) SENTENCE SUSPENDED, CONDITIONS OF PROBATION: 7 yr probation

- ① Counseling as directed by P.O. with proof of attendance, and specifically:
Mental health counseling Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: Cost Center Seal Program
2. Restitution: \$ _____ or State has _____ days to provide restitution figure; Defense has _____ days to object. Joint and Several
- ③ Defendant shall be subject to random blood, breath and urinalysis.
- ④ Defendant is subject to search of person, property, and residence and waives 4th Amendment rights
5. Defendant shall maintain full time employment.
- ⑥ Defendant shall maintain full time employment or be involved in a full time educational program with the approval of his or her P.O. or VA.
- ⑦ Defendant shall not refuse any blood alcohol content tests.
- ⑧ Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
- ⑨ Defendant may not purchase, posses or consume any alcohol.
- ⑩ Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____.
- ⑫ Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy of the prescription to his/her P.O.
13. Defendant shall complete his/her GED/HSE.
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL _____ DISCRETIONARY JAIL TO PO 120

DL SUSPENSION _____ Additional Conditions:
sign release for HIPA May not work in Health
or patient field.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

NO. 9:07 FILED
A.M. P.M.

JUL 21 2010

J. DAVID NAVARRO, Clerk
By J. Navarro DEPUTY

THE STATE OF IDAHO,

Plaintiff,

vs.

ANDREW DALLAS MORGAN,

Defendant.

SSN: [REDACTED]

DOB: [REDACTED]

CASE NO. CRMD08002462

ORDER SUSPENDING SENTENCE
AND ORDER OF PROBATION

On the 23rd day of November, 2009, ANDREW DALLAS MORGAN admitted to being in violation of his probation as ordered by this Court, and, on the 14th day of January, 20 10, was committed to the custody of the State Board of Correction for a minimum fixed and determinate period of confinement of two (2) years, followed by an indeterminate period of custody of up to five (5) years, for a total term not to exceed seven (7) years.

The Court retained jurisdiction for 180 days to suspend execution of the sentence; and

The Court, having ascertained the desirability of suspending execution of the judgment and placing the defendant on probation for the balance of sentence;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the sentence is hereby suspended, and the defendant be placed on seven (7) years probation to commence July 19, 2010, upon the following conditions:

1 1. That the probation is granted to and accepted by you, the probationer, subject to
2 all its terms and conditions and with the understanding that the Court may at any time, in
3 case of the violation of the terms of the probation, cause you to be returned to the Court for
4 the imposition of sentence as prescribed by law or any other punishment as the Court may
5 see fit to hand down.
6

7
8 2. You shall be under the legal custody and control of the Director of Probation and
9 Parole of the State of Idaho and the District Court. In addition to the special terms of this
10 probation imposed by the Court, you are also subject to the rules of probation prescribed by
11 the Board of Correction and your probation officer.
12

13 3. You are subject to the following special conditions:
14

15 a) You shall serve one hundred twenty (120) days in the Ada County Jail with
16 service of sentence to be at the discretion of the probation officer under
such terms and in such increments as he or she directs. (Discretionary)

17 b) You must successfully complete any training or counseling program your
18 probation officer tells you to take and you are solely responsible for
19 proving that you are attending the programs your probation officer has
20 directed you to take. You must continue to participate in mental health
21 counseling and provide proof of attendance to your probation officer. You
must also continue with the Easter Seal program.

22 c) You must submit, at your own expense, to a chemical test of your blood,
23 breath or urine for the detection of substance abuse, when requested by
your probation officer.
24

25 d) Because you are on probation, you are subject to search of your person,
26 your property and your residence at any time for any reason by your
probation officer. Your probation officer does not need a search warrant to
27 search you or your property or your residence. Your acceptance of this
28 probation is an express consent to search of your person, property or
residence at any time and for any reason. By accepting this probation, you
29 waive any constitutional right to be free from warrantless searches.

 e) You must maintain full-time employment or participate in Vocational
Rehabilitation or full-time education or a mix of both as approved your

1 probation officer, and be able at all times to prove to your probation officer
2 that you are employed full time or in a full time education program.

- 3 f) You cannot refuse any B.A.C. (Blood Alcohol Content) tests when
4 requested by any law enforcement officer.
- 5 g) You cannot purchase, possess, or consume any alcoholic beverages while
6 on probation.
- 7 h) You must not go to any place where the sale of alcohol is the major source
8 of the establishment's business. You may not go to any bars or liquor
9 stores.
- 10 i) YOU HAVE BEEN CONVICTED OF A FELONY. YOU MAY NOT
11 OWN, CARRY, OR POSSESS ANY WEAPONS OR FIREARMS OF
12 ANY TYPE FOR ANY REASON.
- 13 j) You must give a copy of any prescriptions to your probation officer.
- 14 k) You must sign a medical release form so that treating personnel may speak
15 freely with your probation officer.
- 16 l) You may not work in any medical, nursing care or patient care field.
- 17 m) You must pay a monthly charge for probation supervision as established
18 by the Idaho State Board of Correction.

19 4. IF YOU ARE PLACED ON PROBATION TO A DESTINATION
20 OUTSIDE THE STATE OF IDAHO, OR IF YOU LEAVE IDAHO WITH OR
21 WITHOUT THE PERMISSION OF YOUR PROBATION OFFICER, YOU WAIVE
22 EXTRADITION TO THE STATE OF IDAHO AND YOU ALSO AGREE THAT
23 YOU WILL NOT CONTEST ANY EFFORT BY ANY STATE TO RETURN YOU
24 TO THE STATE OF IDAHO. YOUR SIGNATURE ON THE PROBATION ORDER
25 IS AN ACCEPTANCE OF THIS CONDITION.
26

27 Done in open court this 19th day of July, 2010.
28

29 
DEBORAH A. BAIL
District Judge

1 This is to certify that I have read, or had read to me, and fully understand and accept
2 all the conditions, regulations and restrictions under which I am being granted probation. I
3 will abide by and conform to them strictly and fully understand that my failure to do so
4 may result in the revocation of my probation and commitment to the Board of Correction to
5 serve the sentence originally imposed.
6
7
8
9

10 _____
Probationer's Signature

Date of Acceptance

11
12 _____
13 Probation and Parole Office
14
15
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CERTIFICATE OF MAILING

I hereby certify that on this 21st day of July, 2010, I mailed (served) a true and

correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA – EMAIL

ADA COUNTY PUBLIC DEFENDER
VIA – EMAIL

ADA COUNTY JAIL
VIA – EMAIL

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
VIA – EMAIL

PROBATION & PAROLE-PSI DEPARTMENT
VIA – EMAIL

CENTRAL RECORDS
VIA – EMAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

vs.

Andrew Dallas Morgan

PROSECUTOR W. Faulkner

COMPLAINING WITNESS _____

CASE NO. MD--2008-2462

CLERK H. MANLEY

DATE 4 / 28 / 2011 TIME 1039

TOXIMETER _____

CASE ID. Gardunia 042811 BEG. 103927
END 103954

JUDGE

- | | |
|--|---|
| <input type="checkbox"/> BEREZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input checked="" type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- ☒ STATE SWORN
☐ PC FOUND _____
☐ COMPLAINT SIGNED
☐ AMENDED COMPLAINT SIGNED
☒ AFFIDAVIT SIGNED
☐ NO PC FOUND _____
☐ EXONERATE BOND
☐ SUMMONS TO BE ISSUED
☐ WARRANT ISSUED
☐ BOND SET \$ _____
☐ NO CONTACT

D.R. # _____

COMMENTS

- ☐ DISMISS CASE
☒ IN CUSTODY

☒ AGENT'S WARRANT

Judge Bail

5-16-11 @ 1:30pm

☐ RULE 5(b)

☐ FUGITIVE

ADA COUNTY MAGISTRATE MINUTES

SCHEDULED EVENT: VA JUDGE: Brower for Hawley CLERK: D. Finnegan

DATE: 4/28/11 TIME: 1:30 COURT REPORTER: _____

TAPE NO: _____ PR/AGY: AC PROS: _____

P.D./ATTORNEY _____

Andrew Morgan MD-08-2402 SSN _____ DOB _____

1

2

3

4

5

6

Agent

145503 Case Called Def: _____ Present _____ Not Pres. _____ In Custody _____
 _____ Advised of Rights _____ Waived Rts _____ FD Appointed _____ Waived Atty _____
 _____ Guilty Plea/PV Admit _____ N/G Plea _____ Advise Subsq Penalty _____
X Bond \$ NO Bond _____ ROR _____ Pay/Stay _____ Payment Agr _____

*

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*

ARRN:
5/16/11 @ 1:30
W/ Bail

* Finish () Release Defendant

War#

Def# 01 Seq# 01 Type A Docket#

Rev: 3/97

000115

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

STATE OF IDAHO,
Plaintiff.

vs.

Andrew Dallas Morgan
2577 W Gainesboro Dr
Kuna, ID 83634

Defendant.

)
) M0802462
)
) Case No: CR-MD-2008-0002462
)
) **NOTICE OF APPOINTMENT OF PUBLIC DEFENDER**
) **AND SETTING CASE FOR HEARING**
)
) ☐ Ada ☐ Boise ☐ Eagle ☐ Garden City ☐ Meridian

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Arraignment Monday, May 16, 2011 01:30 PM
Judge: Deborah Bail

BOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE **PERSONALLY PRESENT** AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A **BENCH WARRANT** FOR THE DEFENDANT'S **ARREST**.

Dated : 4/28/2011

Deputy Clerk

I hereby certify that copies of this Notice were served as follows on this date Thursday, April 28, 2011.

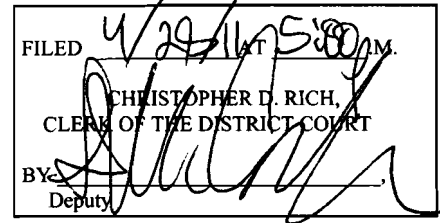
Defendant: Mailed _____ Hand Delivered X Signature _____
Phone () _____

Clerk / date

Prosecutor: Interdepartmental Mail _____

Public Defender: Interdepartmental Mail _____

Deputy Clerk



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY

STATE OF IDAHO,

Plaintiff,

vs.

Morgan
Defendant.

SSN: XXX-XX-

CASE NO. MD-08-2462

NOTIFICATION OF CONSEQUENCES AND
PENALTIES FOR ESCAPE PURSUANT TO
I.C. §§ 18-2505, 2506

TO: THE ABOVE-NAMED DEFENDANT, YOU ARE HEREBY NOTIFIED AS FOLLOWS:

I.C. § 18-2505 (1) Every prisoner charged with, convicted of, or on probation for a **felony** who is confined in any correctional facility, as defined in section 18-101A, Idaho Code, including any private correctional facility, or who while outside the walls of such correctional facility in the proper custody of any officer or person, or while in any factory, farm or other place without the walls of such correctional facility, who escapes or attempts to escape from such officer or person, or from such correctional facility, or from such factory, farm or other place without the walls of such correctional facility, shall be guilty of a **felony**, and upon conviction thereof, any such second term of imprisonment shall commence at the time he would otherwise have been discharged. A felony is punishable by fine not exceeding fifty thousand dollars (\$50,000.00) or imprisonment in the state prison not to exceed five (5) years or both.

I.C. § 18-2506 (1)(a) Every prisoner charged with or convicted of a **misdemeanor** who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a **misdemeanor**. A misdemeanor is punishable by fine not exceeding \$1000.00 or by imprisonment in the county jail not to exceed one (1) year or both.

(b) In cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was perpetrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a **felony**.

Escape shall be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care.

I ACKNOWLEDGE RECEIPT OF THIS WRITTEN NOTICE.

[Signature]
DEFENDANT

4-28-11
DATE

000117

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

APR 28 2011
CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

STATE OF IDAHO)
Plaintiff)
-Vs.-)
Morgan, Andrew Dallas)

AFFIDAVIT

STATE OF IDAHO)
County of Ada) Ss.

Court case #: CRMD08002462

Offense/Underlying Conviction: Grand Theft

Date of Probation: 07/19/2010

I, Brandon Sutherland, being first duly sworn, deposes and says:

1. THAT he is a probation officer for the State of Idaho.
2. THAT on the 27th day of April, 2011, he issued an Agent's Warrant on the above named defendant for violating his probation.
3. THAT the following statement is offered as probable cause.
4. THAT your affiant has read the following statements and state that the facts set for therein are true and correct to the best of my knowledge and belief.

On April 21, 2011 I learned that Mr. Morgan had been discharged from the Easter Seals program. According to his case manager, Heidi, Mr. Morgan's attendance was poor, he was unmotivated to do treatment work, and he had been abusing his prescription medications. Mr. Morgan was also having contact with an offender whom he did not have permission to have contact with.

Dated this 27th of April, 2011

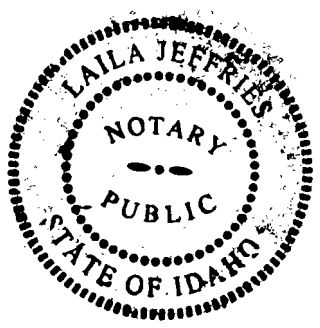
Brandon Sutherland
Brandon Sutherland
Senior Probation and Parole Officer
District Four Probation and Parole

SUBSCRIBED AND SWORN to before me this 27 day of April
2011.

Laila Jeffries
Notary Public

Residing at Boise, Idaho

My commission expires 6-10-15



Bond is set at \$ _____ pending arraignment.

DATED this _____ day of _____, 2010.

Honorable _____, Fourth Judicial District Judge

IDAHO DEPARTMENT OF CORRECTION
Community Corrections

AGENT'S WARRANT OF ARREST

TO: ALL CHIEFS OF POLICE, SHERIFFS, MARSHALS, CONSTABLES, AND PEACE OFFICERS OF
THE
STATE OF IDAHO

In accordance with Title 20-227 and 20-301 of the Idaho Code, you are hereby commanded to take or
retake into custody during the day or night, and detain

Name: Morgan, Andrew Dallas

IDOC # 89971

County and Court Case No.: Ada County: CRMD08002462

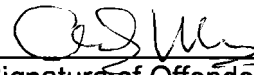
Who is alleged to have violated their Probation as granted by the Forth Judicial District on the 27th of
April, 2011 at Boise, Ada, Idaho.

This warrant shall be sufficient to detain a probationer until they are brought before the Court for
arraignment. Parolees shall be held without bond. This Warrant shall be valid until such time as it is
replaced by a Bench Warrant, Parole Commission Warrant, or is withdrawn by the Department of
Correction.

Dated at Boise, Idaho, this 27th day of April, 2011.

Alleged 1. Failing to complete treatment
Violations 2. Abuse of prescription meds
3. Unauthorized contact with known felons
4.


Probation/Parole Officer for
The State of Idaho

I have been given notice for the reason(s) I am in custody.  4-27/ 3:20pm
(Signature of Offender) (Date/Time)

I understand I have a right to a preliminary hearing within 5 business days of my incarceration (Parolees only)

☐ I do not wish to have a preliminary hearing. _____ (Initials of the Offender)

☐ I wish to have the preliminary hearing. _____ (Initials of the Offender)

☐ Parolee not eligible due to absconding or misdemeanor or felony conviction

RECEIPT OF WARRANT

I HEREBY CERTIFY, that I received this Warrant on the 27 day of APRIL,
20 11.

Officer  #5072 Agency ADA County

Ht	6'0	Wt	185	Hair	Brown	Eyes	Brown
DOB		SSN		RACE	White	Sex	Male

Distribution: Original-IDOC File, Copy-Offender, Copy-Jail; Copy-Parole Commission



APR 28 2011

Jail Booking Sheet

Booking ID: 100488139



LE #: 687693



Name: MORGAN ANDREW DALLAS

SSN: [REDACTED]

DOB: [REDACTED]

Age: 31

Address: 5211 MT VIEW DR

BOISE, ID 83704 Ph. (480) 455-9040

Marital Status: S

Education: Associate or Technical

Sex: M Race: W Ht: 6'00" Wt: 180 Eyes: HAZ Hair: BRO POB: BOISE, ID, UNITED STATES

Marks: SC ABDOM

Alias:

Emp:

Notify: JAKE MORGAN

Rel: Sibling (Brother\Sister)

Ph: (208) 598-2100 - O

Date-in: 04/27/2011 Time-in: 16:21:33 ADA JAIL / BOOKING / 2W

Prop Box: 561

PCN#:

Booked by: 5077

Comments:

* * * * *

VISUAL ARREST

DR: ADA 99-999999

Booked by: 5077

Case: Def: Cnt: ISTARs Case: CRMD2008-2462 Def: Cnt:

Arrest Date/Time: 04/27/2011 16:15:00 Release Date/Time:

Citation:

Location: 8752 FAIRVIEW DR.

Officer: A 5077

Municipality: ADA COUNTY

Pros. Agency: Ada County

Visual: LE-126-A {F} AGENTS WARRANT--PROBATION VIOLATION

Video Arraignment Date: 04/28/2011 Time: 13:30:00

Initial Bond: Bond Amt: \$ 0.00

Type:

Paid By/Agy:

000121

5250
JL

APR 28 2011

CHRISTOPHER D. RICH, Clerk
By CAMILLE MITCHELL
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Whitney A. Faulkner
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-MD-2008-0002462
)	
vs.	)	AFFIDAVIT OF PROBABLE
	)	CAUSE TO HOLD
ANDREW DALLAS MORGAN,	)	PROBATIONER ON AGENT'S
	)	WARRANT
Defendant.)	
_____)	

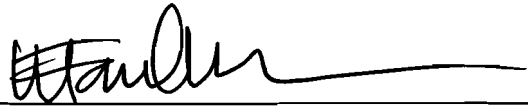
Whitney A. Faulkner, being first duly sworn, deposes and says that ANDREW DALLAS MORGAN is on probation for a felony charge in the State of Idaho. That an Agent's Warrant has been issued by BRANDON SUTHERLAND, who is a probation officer for the Idaho Department of Corrections which is responsible to supervise this probationer. That said Defendant has been arrested in Ada County, Idaho on the Agent's Warrant and is now before this court. That said Defendant is the same person named in the

above-mentioned warrant of arrest. Probable Cause to establish this belief is based upon the attached Agent's Warrant.

Wherefore, it is requested that ANDREW DALLAS MORGAN be committed to the custody of the Sheriff of Ada County, to be held with bail set by the assigned District Court Judge and that an arraignment be set in the District Court.

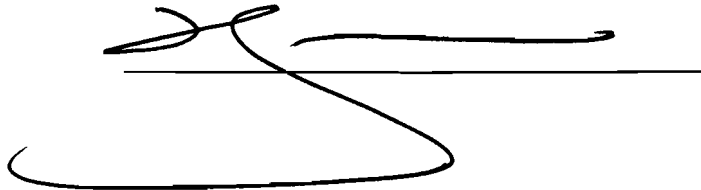
DATED this 28th day of April 2011.

GREG H. BOWER
Ada County Prosecuting Attorney



By: Whitney A. Faulkner
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 28th day of April 2011.



APR 28 2011

CHRISTOPHER D. RICH, Clerk
By **STORMY MCCORMACK**
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Whitney A. Faulkner
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-MD-2008-0002462
)	
vs.	)	ORDER ON PROBATIONER
	)	ARREST ON AGENT'S
ANDREW DALLAS MORGAN,	)	WARRANT
)	
Defendant.)	
_____)	

Whitney A. Faulkner, having appeared before the Court this date, pursuant to arrest by the Ada County Sheriff's Office, in Ada County, Idaho. Defendant was informed in conformance with Administrative Order of the probation violation allegations against him/her, that he/she is not required to make a statement, and that any statement made by him/her may be used against him/her, of his/her right to counsel as provided by law, and of

ORDER ON PROBATIONER ARREST ON AGENT'S WARRANT (MORGAN),
Page 1

000125

his/her rights to rebut the allegations, to present and confront witnesses and to present evidence all in District Court.


IT IS ORDERED AND THIS DOES ORDER that bond in this matter is set

_____.

IT IS ORDERED AND THIS DOES ORDER that the defendant appear in Judge

Bail Court on the 16th day of May at the hour of 1:30pm

DATED this 28th day of April 2011.


MAGISTRATE
SENIOR JUDGE

MAY - 6 2011

CHRISTOPHER D. RICH, Clerk
By NATALIE FARACA
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Heather Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-MD-2008-0002462
)	
vs.	)	MOTION FOR PROBATION
	)	VIOLATION
ANDREW DALLAS MORGAN,)	
	)	(AGENTS WARRANT)
Defendant.)	
_____)	

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Heather Reilly, Deputy Prosecuting Attorney for Ada County, State of Idaho, being first duly sworn, deposes and says:

That on the 9th day of June 2008, the said Defendant pled guilty to GRAND THEFT, FELONY, and that on the 28th day of July 2008, this Court placed the Defendant on probation for a period of seven (7) years, and that on the 23rd day of November 2009, the

**MOTION FOR PROBATION
VIOLATION, (AGENTS WARRANT), (MORGAN/CR-MD-2008-0002462), Page 1**
000127

said Defendant pled guilty to PROBATION VIOLATION, FELONY, and that on the 14th day of January 2010, this Court retained jurisdiction, and that on the 19th day of July 2010, this Court reinstated probation for a period of seven (7) years.

This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

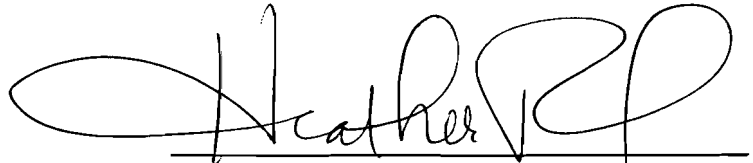
1. Failing to attend and/or successfully complete the Easter Seals program as lawfully requested by his supervising officer, to-wit: on or about the 21st day of April 2011, Easter Seals stated that they are cutting the said Defendant from the program for violating his behavioral contract and missing several groups;
2. Failing to pay the cost of supervision fee as ordered by the Court;
3. Failing to abide by the lawful request of his supervising officer that he have no contact with anyone with a criminal record, past or present, misdemeanor or felony, without prior approval from his supervising officer, to-wit: on or about the 21st day of April 2011, the said Defendant admitted to associating with another offender by giving him rides to and from treatment and would talk on the phone once in a while;
4. Failing to use medications only in the manner prescribed by his physician or dentist, to-wit: on or about the 27th day of October 2010, the said Defendant admitted to abusing his medication, and by;
5. Failing to pay restitution as ordered by the Court (please see attached computer printout).

MOTION FOR PROBATION

WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

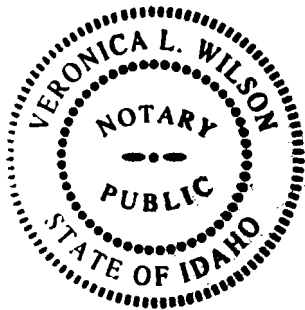
GREG H. BOWER


Ada County Prosecuting Attorney



By: Heather Reilly
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 6th day of May 2011.




Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 12-16-2015

MOTION FOR PROBATION

VIOLATION, (AGENTS WARRANT), (MORGAN/CR-MD-2008-0002462), Page 3

000129

IDAHO DEPARTMENT OF CORRECTION
DIVISION OF COMMUNITY CORRECTION

Probation and Parole, District 4

8752 W. Fairview Ave.

Boise, Idaho 83704

RECEIVED
MAY 7 2011
12:52 PM

REPORT OF PROBATION VIOLATION
ADA COUNTY CLERK

DATE: May 2, 2011

TO: The Honorable Deborah H. Bail
Judge, Fourth Judicial District
Ada County Courthouse
Boise, Idaho 83702

NAME: Morgan, Andrew Dallas

COURT CASE: CRMD08002462

ADDRESS: 5211 N. Mountain View Dr.
Boise, Idaho 83705

OFFENSE: Grand Theft

DATE OF SENTENCE: July 28, 2008 (Bridge Court)
Suspended Sentence: July 19, 2010

SENTENCE: Five (5) Years
Seven (7) Years

DATE OF PROBATION: January 12, 2010
Reinstated on Probation: July 19, 2010

COUNTY: Ada

JUDICIAL DISTRICT: Fourth

1. RULE VIOLATED

COURT ORDER SPECIAL CONDITION (3b), which states: "You must successfully complete any training or counseling program your probation officer tells you to take and you are solely responsible for proving that you are attending the programs your probation officer has directed you to take. You must continue to participate in mental health counseling and provide proof of attendance to your probation officer. You must also continue with the Easter Seal program."

SUMMARY

COURT ORDER SPECIAL CONDITION (3b) was violated in that In July, 2010 Mr. Morgan entered into the Easter Seals program. In November, 2010 Mr. Morgan was placed on a behavioral contract through Easter Seals due to poor attendance and medication abuse. On April 21, 2011 I received a call from Heidi, Mr. Morgan's case manager at Easter Seals, who stated she is cutting him from the program for violating his behavioral contract. He has missed several groups, and was displaying behavior consistent with the abuse of his medication. Heidi described him as being lethargic when she would meet with him.

Mr. Morgan was given several chances to correct his behavior and avoid being removed from the Easter Seals program. However, his attendance was poor and his behavior lead many of the counselors and I to believe that he was not using his medications as prescribed. Because of his actions, he was removed from the Easter Seals program.

2. RULE VIOLATED

COURT ORDER SPECIAL CONDITION (3m), which states: "You must pay a monthly charge for probation supervision as established by the Idaho State Board of Correction."

SUMMARY

COURT ORDER SPECIAL CONDITION (3m) was violated in that On April 29, 2011 I ran a cost of supervision report on Mr. Morgan. He currently owes \$1300.00 in cost of supervision fees. My records indicate that he has never paid on his account, which began billing on September 2, 2008. I addressed this issue with Mr. Morgan several times and had him reporting to the office regularly, requesting that he bring a payment with him when he reports. Mr. Morgan failed to produce a single payment. *COS statement attached.*

3. RULE VIOLATED

COURT ORDERED GENERAL CONDITION (2) which states: "You shall be under the legal custody and control of the Director of Probation and Parole of the State of Idaho and the District Court. In addition to the special terms of this probation imposed by the Court, you are also subject to the rules of probation prescribed by the Board of Correction and your probation officer."

SUMMARY

COURT ORDERED GENERAL CONDITION (2) was violated in that On October 30, 2008 Mr. Morgan signed an Idaho Department of Correction Agreement of Supervision (AGOS). Condition 13 of that agreement states: "Associations: The defendant shall not associate with any person(s) designated by any agent of the Idaho Dept of Correction." On April 21, 2011, the day I received information from Easter Seals that Mr. Morgan was being terminated from their program, I learned from another Probation Officer that he had been associating with another offender who was also attending Easter Seals. I spoke to Mr. Morgan about the extent of his contact and he stated that he had been giving the guy rides to and from treatment and would talk on the phone once in a while. I informed Mr. Morgan that we had text messages that indicated he may have been exchanging medications as well. One of the text messages sent to Mr. Morgan from this individual had asked him if the doctor had hooked him up. Mr. Morgan did not have permission to associate with anyone on supervision outside of treatment classes.

Also located in the AGOS is condition 9, which states: "Controlled Substances: The defendant shall not use or possess any illegal drug. The defendant shall not use or possess any paraphernalia for the purpose of ingesting any illegal drug. The defendant shall not use or possess any controlled substances unless lawfully prescribed for him/her by a licensed physician or dentist. The defendant shall use medications only in the manner prescribed by their physician or dentist." On October 27, 2010 Mr. Morgan had admitted to abusing his medications. As a result of his abuse, he was placed in the Ada County Jail for 25 days of discretionary jail time and also placed on a behavioral contract.

INTERMEDIATE SANCTIONS

- 25 days Discretionary Jail Time
- Increased reporting to his Probation Officer
- Behavioral contract
- Curfew

SUPERVISION HISTORY

RESIDENCE HISTORY

At the time of Mr. Morgan's arrest, he was residing 5051 Mountain View Dr., Boise, Idaho 83704. Prior to that address he was living at a Rising Sun clean and sober house located at 5211 Mountain View Dr., Boise, Idaho 83704.

EMPLOYMENT and EDUCATION

Mr. Morgan remains unemployed at this time.

RELATIONSHIPS and FAMILY

At the time of Mr. Morgan's arrest, he stated he has a girl friend. He was living with his grandmother for a short time. She seems to be the only family member Mr. Morgan turns to when he needs something.

PHYSICAL/MENTAL HEALTH

Mr. Morgan has been diagnosed with several physical and mental health issues which include depression, chronic back pain, and migraine headaches.

SUBSTANCE ABUSE

Mr. Morgan has been abused his medication in the past. He has not made any admissions to abusing his medications recently.

BACKGROUND CHECK

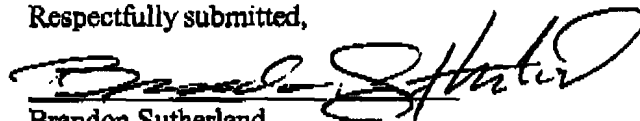
No further charges were found upon checking ILETS and ISTARS.

RECOMMENDATION

Your Honor, On January 8, 2008 Mr. Morgan was sentenced in your Court to probation for a period of five (5) years for the crime of Grand Theft. On July 19, 2010 Mr. Morgan was reinstated on probation for a period of seven (7) years after receiving a probation violation. I am submitting a report of violation due to Mr. Morgan's lack of progress on probation. He has made numerous excuses for not following through on the things that are fundamental to his success. He has failed to comply with the conditions of his Court order which have lead to his removal from Easter Seals. Mr. Morgan does not appear to appreciate the privilege of probation (this is his second probation violation), nor does it appear that the he is amenable to supervision at the community level at this time.

Your Honor, I respectfully requested that a Bench Warrant be issued for Andrew Dallas Morgan to replace the Agent's Warrant filed on April 27, 2011 and that the defendant be returned to the Court for further disposition in this case. If the defendant is found to have violated the terms of his probation, it is the recommendation of this officer that he be screened for Correctional Alternative Placement Program (CAPP).

Respectfully submitted,


Brandon Sutherland
Sr. Probation/Parole Officer

APPROVED: 

Todd Burgess, Section Supervisor
Community Corrections, District 4

THE ABOVE DOCUMENTED INFORMATION, WHICH IS IN WRITING, IS KNOWN BY ME TO BE
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Brandon S. Hinkley
Probation Officer

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF IDAHO, ON
THIS 2nd DAY OF May, 2011.



Michael E. Steele
Notary Public
Residing at Boise, Idaho
My commission expires 8-7-12

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

3 AM 9:07 FILED P.M.

4 THE STATE OF IDAHO,)

5 Plaintiff,)

6 vs.)

7 ANDREW DALLAS MORGAN,)

8 Defendant.)

9 SSN [REDACTED])

10 DOB [REDACTED])

11 CASE NO. CRMD08002462

12 ORDER SUSPENDING SENTENCE
AND ORDER OF PROBATION

JUL 21 2010

J. DAVID NAVARRO, Clerk
By [Signature] Deputy

13
14 On the 23rd day of November, 2009, ANDREW DALLAS MORGAN admitted to
15
16 being in violation of his probation as ordered by this Court, and, on the 14th day of January,
17 20 10, was committed to the custody of the State Board of Correction for a minimum fixed
18 and determinate period of confinement of two (2) years, followed by an indeterminate
19 period of custody of up to five (5) years, for a total term not to exceed seven (7) years.
20

21 The Court retained jurisdiction for 180 days to suspend execution of the sentence;
22 and
23

24 The Court, having ascertained the desirability of suspending execution of the
25 judgment and placing the defendant on probation for the balance of sentence;
26

27 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the sentence is
28 hereby suspended, and the defendant be placed on seven (7) years probation to commence
29 July 19, 2010, upon the following conditions:

1 1. That the probation is granted to and accepted by you, the probationer, subject to
2 all its terms and conditions and with the understanding that the Court may at any time, in
3 case of the violation of the terms of the probation, cause you to be returned to the Court for
4 the imposition of sentence as prescribed by law or any other punishment as the Court may
5 see fit to hand down.

6
7
8 2. You shall be under the legal custody and control of the Director of Probation and
9 Parole of the State of Idaho and the District Court. In addition to the special terms of this
10 probation imposed by the Court, you are also subject to the rules of probation prescribed by
11 the Board of Correction and your probation officer.
12

13 3. You are subject to the following special conditions:

- 14 a) You shall serve one hundred twenty (120) days in the Ada County Jail with
15 service of sentence to be at the discretion of the probation officer under
16 such terms and in such increments as he or she directs. (Discretionary)
- 17 b) You must successfully complete any training or counseling program your
18 probation officer tells you to take and you are solely responsible for
19 proving that you are attending the programs your probation officer has
20 directed you to take. You must continue to participate in mental health
21 counseling and provide proof of attendance to your probation officer. You
22 must also continue with the Easter Seal program.
- 23 c) You must submit, at your own expense, to a chemical test of your blood,
24 breath or urine for the detection of substance abuse, when requested by
25 your probation officer.
- 26 d) Because you are on probation, you are subject to search of your person,
27 your property and your residence at any time for any reason by your
28 probation officer. Your probation officer does not need a search warrant to
29 search you or your property or your residence. Your acceptance of this
probation is an express consent to search of your person, property or
residence at any time and for any reason. By accepting this probation, you
waive any constitutional right to be free from warrantless searches.
- e) You must maintain full-time employment or participate in Vocational
Rehabilitation or full-time education or a mix of both as approved your

1 probation officer, and be able at all times to prove to your probation officer
2 that you are employed full time or in a full time education program.

3 f) You cannot refuse any B.A.C. (Blood Alcohol Content) tests when
4 requested by any law enforcement officer.

5 g) You cannot purchase, possess, or consume any alcoholic beverages while
6 on probation.

7 h) You must not go to any place where the sale of alcohol is the major source
8 of the establishment's business. You may not go to any bars or liquor
9 stores.

10 i) YOU HAVE BEEN CONVICTED OF A FELONY. YOU MAY NOT
11 OWN, CARRY, OR POSSESS ANY WEAPONS OR FIREARMS OF
12 ANY TYPE FOR ANY REASON.

13 j) You must give a copy of any prescriptions to your probation officer.

14 k) You must sign a medical release form so that treating personnel may speak
15 freely with your probation officer.

16 l) You may not work in any medical, nursing care or patient care field.

17 m) You must pay a monthly charge for probation supervision as established
18 by the Idaho State Board of Correction.

19 4. IF YOU ARE PLACED ON PROBATION TO A DESTINATION

20 OUTSIDE THE STATE OF IDAHO, OR IF YOU LEAVE IDAHO WITH OR
21 WITHOUT THE PERMISSION OF YOUR PROBATION OFFICER, YOU WAIVE
22 EXTRADITION TO THE STATE OF IDAHO AND YOU ALSO AGREE THAT
23 YOU WILL NOT CONTEST ANY EFFORT BY ANY STATE TO RETURN YOU
24 TO THE STATE OF IDAHO. YOUR SIGNATURE ON THE PROBATION ORDER
25 IS AN ACCEPTANCE OF THIS CONDITION.
26
27

28 Done in open court this 19th day of July, 2010.
29


DEBORAH A. BATES
District Judge

1 This is to certify that I have read, or had read to me, and fully understand and accept
2 all the conditions, regulations and restrictions under which I am being granted probation. I
3
4 will abide by and conform to them strictly and fully understand that my failure to do so
5 may result in the revocation of my probation and commitment to the Board of Correction to
6 serve the sentence originally imposed.
7

8
9 
10 Probationer's Signature

9-21-10
Date of Acceptance

11
12 
13 Probation and Parole Office
14
15
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29

CERTIFICATE OF MAILING

I hereby certify that on this 21st day of July, 2010, I mailed (served) a true and

correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA - EMAIL

ADA COUNTY PUBLIC DEFENDER
VIA - EMAIL

ADA COUNTY JAIL
VIA - EMAIL

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
VIA - EMAIL

PROBATION & PAROLE-PSI DEPARTMENT
VIA - EMAIL

CENTRAL RECORDS
VIA - EMAIL

J. DAVID NAVARRO
Clerk of the District Court

By: *Tara Therian*
Deputy Court Clerk

Agreement of Supervision - Revised

1. **Supervision Level:** The defendant's level of supervision, including caseload type and electronic monitoring shall be determined by the Idaho Dept of Correction. AM
2. **Laws and Conduct:** The defendant shall obey all laws, municipal, county, state and federal. The defendant shall comply with all lawful requests of any agent of the Idaho Dept of Correction. The defendant shall be completely truthful at all times with any agent of the Idaho Dept of Correction. During any contact with law enforcement personnel the defendant shall provide their identity, notify the law enforcement officer(s) that they are under supervision and provide the name of their supervising officer. The defendant shall notify their supervising officer of the contact within 24 hrs. AM
3. **Residence:** The defendant shall not change residence without first obtaining permission from an authorized agent of the Idaho Dept of Correction. AM
4. **Reporting:** The defendant shall report to his/her supervising officer as directed. The defendant shall provide truthful and accurate information or documentation whenever requested by the Idaho Dept of Correction. AM
5. **Travel:** The defendant shall not leave the State of Idaho or the assigned district without first obtaining permission from his/her supervising officer. AM
6. **Extradition:** If the defendant does leave the State of Idaho, with or without permission, the defendant does hereby waive extradition to the State of Idaho and will not contest any effort to return the defendant to the State of Idaho. AM
7. **Employment/Alternative Plan:** The defendant shall seek and maintain gainful, verifiable, full-time employment. The defendant shall not accept, cause to be terminated from, or change employment without first obtaining written permission from his/her supervising officer. In lieu of full-time employment, the defendant may participate in full-time education, a combination of employment and education, vocational program or other alternative plan based on the offender's specific situation and as approved by his/her supervising officer. AM
8. **Alcohol:** The defendant shall not purchase, possess, or consume alcoholic beverages in any form and will not enter any establishment where alcohol is a primary source of income. AM
9. **Controlled Substances:** The defendant shall not use or possess any illegal drug. The defendant shall not use or possess any paraphernalia for the purpose of ingesting any illegal drug. The defendant shall not use or possess any controlled substances unless lawfully prescribed for him/her by a licensed physician or dentist. The defendant shall use medications only in the manner prescribed by their physician or dentist. AM
10. **Firearms/Weapons:** The defendant shall not purchase, carry, possess or have control of any firearms, chemical weapons, electronic weapons, explosives or other dangerous weapons. Other dangerous weapons may include, but are not limited to: knives with blades over two and one half inches in length, switch-blade knives, brass knuckles, swords, throwing stars and other martial arts weapons. Any weapons or firearms seized will be forfeited to IDOC for disposal. The defendant shall not reside in any location that contains firearms unless the firearms are secured and this portion of the rule is exempted in writing by the District Manager. AM
11. **Search:** The defendant shall consent to the search of his/her person, residence, vehicle, personal property, and other real property or structures owned or leased by the defendant or for which the defendant is the controlling authority conducted by any agent of the Idaho Dept of Correction or law enforcement officer. The defendant waives his/her Fourth Amendment Rights concerning searches. AM
12. **Cost of Supervision:** The defendant shall comply with Idaho Code 20-225, which authorizes the Idaho Dept of Correction to collect a cost of supervision fee. The defendant shall make payments as prescribed in his/her monthly cost of supervision bill. AM
13. **Associations:** The defendant shall not associate with any person(s) designated by any agent of the Idaho Dept of Correction. AM

substances as requested and directed by any agent of the Idaho Dept of Correction or law enforcement officer. The defendant may be required to obtain tests at their own expense. If the results of the test indicate an adulterant has been used to interfere with the results, that test will be deemed to have been positive. AM

15. Evaluation and Program Plan: The defendant shall obtain any treatment evaluation deemed necessary and as ordered by the Court or any agent of the Idaho Dept of Correction. The defendant shall meaningfully participate in and successfully complete any treatment, counseling or other programs deemed beneficial and as directed by the Court or any agent of the Idaho Dept of Correction. The defendant may be required to attend treatment, counseling or other programs at their own expense. AM

16. Cooperation with Supervision: When home, the defendant shall answer the door for the probation officer. The defendant shall allow the probation officer to enter their residence, other real property, place of employment and vehicle for the purpose of visitation, inspections and other supervision functions. The defendant shall not possess, install or use any monitoring instrument, camera, or other surveillance device to observe or alert them to the approach of his/her probation officer. The defendant shall not keep any vicious or dangerous dog or other animal on or in their property that the probation officer perceives as an impediment to accessing the defendant or their property. AM

17. Absconding Supervision: The defendant will not leave or attempt to leave the state or the assigned district in an effort to abscond or flee supervision. The defendant will make himself/herself available for supervision and program participation as instructed by the probation officer and will not actively avoid supervision. AM

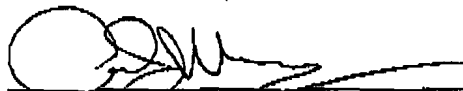
18. Court Ordered Financial Obligations: The defendant shall pay all costs, fees, fines and restitution in the amount and manner ordered by the Court. The defendant shall make payments as ordered by the Court or as designated in a Payment Agreement and Promissory Note to be completed with an agent of the Idaho Dept of Correction and signed by the defendant. AM

19. Confidential Informant: The defendant shall not act as a confidential informant for law enforcement except as allowed per Idaho Dept of Correction policy. AM

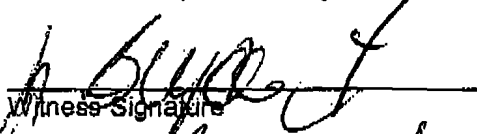
20. Intrastate/Interstate Violations: If allowed to transfer supervision to another district or state, the defendant agrees to accept any violation allegation documents purportedly submitted by the agency/officer supervising the defendant in the receiving district or state as admissible into evidence as credible and reliable. The defendant waives any right to confront the author of such documents. AM

21. Additional Rules: The defendant agrees that other supervision rules may be imposed depending on the district or specific field office that provides his/her supervision. At all times, these additional rules will be imposed only after considering the successful supervision of the defendant and the secure operation of the district or specific field office. All additional rules will be explained to the defendant and provided to him/her, in writing, by an agent of the Idaho Dept of Correction. AM

I have read, or have had read to me, the above agreement. I understand and accept these conditions of supervision. I agree to abide by and conform to them and understand that my failure to do so may result in the submission of a report of violation to my sentencing authority.


Defendant Signature

10-30-08
Date


Witness Signature
J Bryant
Witness Name (printed)

AGREEMENT OF SUPERVISION
Revised 01/30/2007

If you are allowed to transfer your supervision to another state or another district within the State of Idaho and subsequently returned to Idaho or your sentencing district for a violation hearing, the sentencing authority may accept written reports as evidence in lieu of having an officer appear in person.

21. **Additional Rules:** The defendant agrees that other supervision rules may be imposed depending on the district or specific field office that provides his/her supervision. At all times, these additional rules will be imposed only after considering the successful supervision of the defendant and the secure operation of the district or specific field office. All additional rules will be explained to the defendant and provided to him/her, in writing, by an agent of the Idaho Dept of Correction. _____ (initial)

Additional rules may include, but are not limited to, the following:

1. YOU SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY ANY IDOC PROBATION/PAROLE OFFICER AND FOLLOW THE ADVICE AND INSTRUCTIONS OF THE PROBATION/PAROLE OFFICER.

The Probation/Parole Officer is responsible for maintaining a thorough knowledge of your current status and situation. For this reason, you will be asked about many aspects of your life. You are required to answer these inquiries truthfully. The Probation/Parole Officer will also verify the information you provide through outside sources such as family, employers, etc.

It is important to understand that the instruction to follow advice and instructions of your supervising officer is a broad and comprehensive condition. Your Probation/Parole Officer may instruct you on a variety of issues. These instructions would be for your welfare and related to the compliance with your conditions.

2. YOU SHALL SUPPORT YOUR DEPENDENTS AND MEET OTHER FAMILY RESPONSIBILITIES.

The Probation Officer may periodically meet with family members or significant others to verify that you are meeting your family responsibilities. Your Probation/Parole Officer may meet with family members or significant others to explain how the supervision process will impact them. This will include the impact on family lifestyles, restrictions on travel, firearms in the home, and search waivers so that they are aware of the consequences of your noncompliance.

If you have been ordered to pay child support, your Probation/Parole Officer may require that you provide verification each month that you made the payment. The Probation/Parole Officer may periodically inquire about your finances in order to verify that you are meeting your family responsibilities and to verify that you are living within your means.

3. YOU SHALL PERMIT ANY IDOC PROBATION/PAROLE OFFICER TO CONTACT YOU AT ANY TIME AT HOME OR ELSEWHERE AND SHALL PERMIT CONFISCATION OF ANY CONTRABAND LOCATED BY THE PROBATION/PAROLE OFFICER.

The Probation Officer will make unannounced contacts at your home, place of employment, or elsewhere on a periodic basis. These contacts can take place at any time and may occur on weekends, evenings, or holidays. Failure to cooperate is a violation of your supervision.

4. YOU SHALL NOT HAVE CONTACT WITH THE VICTIM(S) IN YOUR CASE(S) OR THE VICTIM'S FAMILY BY ANY MEANS, INCLUDING THIRD PARTY CONTACT.

You are not to communicate with your victim or the victim's family in any way. This contact includes but is not limited to contact made in person, by phone, via computer, in writing or through a third party. If you wish you may request contact with your victim(s) through your supervising officer. If there is no specific condition from the Court or Parole Commission prohibiting your contact with the victim(s), your supervising officer may grant you permission to have limited contact.

5. ANY ADDITIONAL RULES OR INSTRUCTIONS WILL BE DETERMINED AND EXPLAINED BY YOUR SUPERVISING OFFICER.

SIGNATURE OF REVIEWER: _____

DATE: 10-30-08

By signing this document the reviewer has agreed to the foregoing conditions / agreement of supervision and will comply with them as an integral part of their supervision program.

DRIVER'S LICENSE

State law requires motorists to have a valid Driver's License and Proof of Insurance in order to operate a motor vehicle. Documentation of compliance including Vehicle Registration, Insurance, and Drivers License should be made available to the Probation/Parole Officer when requested.

CIVIL RIGHTS

The law deprives convicted felons of certain Civil Rights including the right to possess firearms, vote, serve on a jury, hold public office, and restricts the issuance and renewal of some professional licenses. To determine if your rights will be, or can be restored, following your discharge from probation or parole, you should directly contact the appropriate authority (i.e.: Bureau of Alcohol, Tobacco and Firearms, the Court, the Parole Commission, the Board of Elections and the Board of Occupational Licenses.)

SPECIAL CONDITIONS

The Court or Parole Commission will outline various Special Conditions in your Order which are specific to your case. These conditions may be different than the conditions noted throughout this handbook. You are responsible for following not only the conditions noted in this handbook but also your Special Conditions ordered by the Court or Parole Commission. It is your responsibility to follow all instructions given you by your probation or parole. If you have questions, be sure to ask for clarification from your supervising officer.

SEX OFFENDER REGISTRATION

Idaho law requires that individuals convicted of certain sexual offenses register as a sex offender through the local sheriffs department. There are definite time frames required for this registration process. Failure to comply with the sex offender registration requirement will likely result in new criminal felony charges being filed.

CONDITION VIOLATIONS

Violation of your Court Order, Parole Order or Agreement of Supervision may result in the imposition of intermediate sanctions by the Probation/Parole Officer. Intermediate Sanctions range from verbal reprimand to revocation of your probation or parole. Generally, there are many possibilities within this range and depend on previous violation history, the current violation, and other factors. The Probation/Parole Officer will attempt to impose intermediate sanctions that address the violation appropriately and that meet offender needs without compromising community safety.

COMMUNICATION

It is essential that you understand the role of your Probation/Parole Officer. Your Probation/Parole Officer has the professional objective to see that you successfully complete your Probation or Parole. Your responsibilities are clearly outlined and specified by the Court or Parole Commission. One of the keys to the successful completion of supervision is communication. Take the responsibility of establishing a consistent pattern of communication with your supervising officer and your supervision will prove to be a positive and rewarding experience.

DNA SUBMISSION REQUIREMENT

State of Idaho law requires that offenders convicted of certain criminal offenses are required to submit a sample of their DNA. Your supervising officer will inform you if you are required to supply a sample.

Ledger

For Case CR-MD-2008-0002462

	Type	Amount	Entered	Approved
Morgan, Andrew Dallas				
Restitution				
Madden, Arlene	Original	410.13	5/8/2008	PRSCHMAN
	Item total:	410.13		
	Total Amount Due:	410.13		

Search details:

[\[New Search \]](#) [\[Result Summary \]](#)

ANDREW DALLAS MORGAN #89971

Status: Probation/Parole

Supervising District: DISTRICT 4 FAIRVIEW OFFICE

Phone Number: 208-327-7008

Supervising Officer: SUTHERLAND, BRANDON KENT

IDOC Sentence Information

The sentence information shown is for active sentences under the jurisdiction, custody, and/or supervision of the Idaho Department of Correction only.

Offense	Sentencing County	Case No.	Sentence Satisfaction Date
GRAND THEFT	ADA	CR08-2462	07/18/2017

The Idaho Department of Correction updates this information regularly, to ensure that it is complete and accurate; however, this information can change quickly. Therefore, the information on this site may not reflect the true content, location, status, scheduled termination date, or other information regarding an offender.

More Information:

This offender search service is designed to provide basic information about an offender. If you need additional basic offender record information, contact inquire@idoc.idaho.gov.

Formal requests for copies of records should be mailed to:

Records Bureau
Idaho Department of Correction
1299 N. Orchard Street, Suite 110
Boise, ID 83706

If you want to learn more about parole procedures, or need specific information about a parole eligibility date, tentative parole date and/or hearing results, please contact the Idaho Commission of Pardons & Parole.

For information on Idaho Department of Correction visitation, please go to:

www.idoc.idaho.gov/content/prisons/visiting

For information on Idaho Department of Correction mail regulations, please go to:

www.idoc.idaho.gov/content/prisons/offender_services/mail_rules

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

DEBORAH A. BAIL
DISTRICT JUDGE

Date: May 16, 2011

COURT MINUTES

STATE OF IDAHO,

Plaintiff,

vs.

Andrew Morgan
Defendant,

Plc

Case No. CRMD08-2462

ARRAIGNMENT ON
PROBATION VIOLATION.

Appearances:

Deputy Prosecuting Attorney Jeff White Counsel for the State

Deputy Public Defender Ed Odessey Counsel for the Defendant

Interpreter _____

Introduction of Court, Hon. Deborah A. Bail presiding at this defendant's arraignment on accusation he has violated his probation entered herein on

Probationer notified as follows:

Defendant acknowledged he has read motion.

Of possible consequences if it is found the defendant has violated his probation;

Of right to Counsel at this arraignment

☒ Public Defender appointed to represent the defendant.

Of the right to a hearing on whether defendant has violated probation and the State has the burden to prove violation by a preponderance of the evidence;

Of the right to be represented by counsel at that hearing at public expense if defendant cannot provide his own counsel.

Of opportunity to confront and cross-examine any adverse witnesses;

Of the opportunity to appear and present evidence in his own behalf and have the process of this Court to bring witnesses before the Court to testify in his own behalf;

Of the duty of the Court to make written findings of fact and conclusions of law to reflect the decision of the Court on whether or not Defendant has violated probation;

Of time to decide whether defendant wants to admit or deny the alleged violation;

Next date of appearance is: May 23, 2011 @ 1:30pm for Admit/Deny.

Remarks: Defendant is _____.

The defendant is served with a copy of the Motion and Order for BW for PV.

Reporter: Susan Gambiae

Clerk: ~~Carol Luedtka~~

Tara Therrien

FILED
Wednesday, May 18, 2011 at 09:28 AM
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: *Kia Herria*
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

ANDREW DALLAS MORGAN,

Defendant.

Case No. CR-MD-2008-0002462

NOTICE AND ORDER
APPOINTING PUBLIC DEFENDER

TO: The Office of the Ada County Public Defender:

The above named defendant appeared before the Court and requested the aid of counsel, and the Court being satisfied that said defendant is a needy person entitled to appointment of counsel:

IT IS HEREBY ORDERED That you are appointed to represent the defendant in all matters pertaining to this action, or in the District Court until relieved by Court Order.

- ☒ In the custody of the Sheriff
☐ Released on Bond
☐ Released on his own recognizance

Dated Monday, May 16, 2011.

Deborah A. Bail

DEBORAH A. BAIL
DISTRICT JUDGE

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. 11 FILED P.M. _____

MAY 23 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff

vs.

ANDREW DALLAS MORGAN,
Defendant.

Case No. CR-MD-2008-0002462

MOTION FOR BOND REDUCTION

COMES NOW, ANDREW DALLAS MORGAN, the above-named defendant, by and through counsel BRIAN C MARX, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Monday, May 23, 2011.



BRIAN C MARX
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Monday, May 23, 2011, I mailed a true and correct copy of the within instrument to:

JEFFREY S WHITE
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.


MOTION FOR BOND REDUCTION



000148

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. _____

MAY 23 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff

vs.

ANDREW DALLAS MORGAN,
Defendant.

Case No. CR-MD-2008-0002462

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to JEFFREY S WHITE:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Monday, May 23, 2011, at the hour of 01:30 PM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Monday, May 23, 2011.



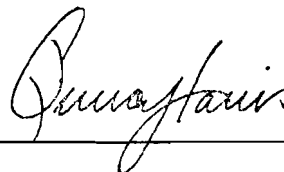
BRIAN C MARX
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Monday, May 23, 2011, I mailed a true and correct copy of the within instrument to:

JEFFREY S WHITE
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



NOTICE OF HEARING

000149

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

FILED
A.M. 11 P.M.

MAY 23 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

ANDREW DALLAS MORGAN,

Defendant.

Case No. CR-MD-2008-0002462

REQUEST FOR DISCOVERY

**TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY JUVENILE
PROSECUTOR:**

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Monday, May 23, 2011.



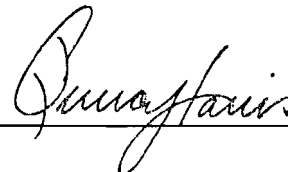
BRIAN C MARX
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Monday, May 23, 2011, I mailed a true and correct copy of the within instrument to:

ADA COUNTY JUVENILE PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



CRIMINAL CASE FILE MEMO

Admit/Deny

DATE: May 23, 2011 DEFENDANT PRESENT ☒ IN CUSTODY/BOND

FROM: Judge Deborah Bail/ Tara Therrien
Carol Luedtka Susan Gambee

RE: State v Andrew Morgan CASE NO. CRMD08-2462

Counsel for the State Jeff White

Counsel for the Defendant Brian Marx

Interpreter

Plea Bargain

Amit # 1 & 3 - balance dismissed

PSI

-Update

mt eval.

P. U. Disposition

July 11, 2011 @ 3:00pm

Wants info from

-Case manager

at Easter Seals

Motion for Bond Reduction - circle/ Not Advanced/ Withdrawn ☒ Denied ☐ Granted

Additional Remarks (include anything the defendant or either counsel was told)

Mr. Marx Argues Mo. Bond Reduction

Ct. denies Mo / Bond Reduction

PROBATION VIOLATION DISPOSITION MEMO

DATE: July 11, 2011 DEFENDANT PRESENT YN CUSTODY/BOND

FROM: Judge Deborah Bail/Tara Therrien Carol Luedtke Susan Gambiae

CASE: STATE v Andrew Morgan Case No. CRMD08-2462

Prosecutor: Jay Varrek Defense Counsel Brian Marx

State recommends: _____

Defense recommends: _____

Interpreter _____

COURT: Probation () Reinstated () Revoked; Sentence Imposed () Commuted _____ Yrs
() Withheld Judgment Revoked; Judgment of Conviction entered

Term of years=_____ fixed followed by _____ indeterminate for a total: _____

() RETAINED JURISDICTION

() SUSPENDED, CONDITIONS OF PROBATION:

1. Counseling as directed by P.O. with proof of attendance, and specifically:
Mental health counseling, Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: _____
2. Restitution: \$ _____ or State has _____ days to provide restitution figure; Defense
has _____ days to object. Joint and Several
3. Defendant shall be subject to random blood, breath and urinalysis.
4. Defendant is subject to search of person, property, and residence and waives 4th Amendment rights.
5. Defendant shall maintain full time employment.
6. Defendant shall maintain full time employment or be involved in a full time educational program with the
approval of his or her P.O.
7. Defendant shall not refuse any blood alcohol content tests.
8. Defendant may not purchase, posses or consume any alcohol.
9. Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
10. Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____.
12. Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy
of the prescription to his/her P.O.
13. Defendant shall complete his/her GED/HSE.
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL _____ DISCRETIONARY JAIL TO PO _____

Additional conditions: _____

Ct. cont. SH. = Aug. 1, 2011 @ 3:00pm
M.H. eval not received.

PROBATION VIOLATION DISPOSITION MEMO

DATE: August 1, 2011 DEFENDANT PRESENT (Y/N) CUSTODY/BOND

FROM: Judge Deborah Bail/ Tara Therrien Carol Luedtke Susan Gambee

CASE: STATE v Andrew Morgan Case No. CRMD008-2462

Prosecutor: Jeff White Defense Counsel Brian Marx

State recommends: Revoke & Impose w/ Therapeutic Comm.

Defense recommends: Re-instate, ACT w/ programming

Interpreter _____

COURT: Probation () Reinstated ☒ Revoked; Sentence Imposed () Commuted _____ Yrs
() Withheld Judgment Revoked; Judgment of Conviction entered

Term of years= _____ fixed followed by _____ indeterminate for a total: _____

() RETAINED JURISDICTION

() SUSPENDED, CONDITIONS OF PROBATION:

(2+5) 7

-Therapeutic
Community

1. Counseling as directed by P.O. with proof of attendance, and specifically: .
Mental health counseling, Substance abuse counseling, Vocational Rehabilitation,
Cognitive Self-Change, 90 days AA in 90 days, Anger Management, Parenting Classes
Other: _____
2. Restitution: \$ _____ or State has _____ days to provide restitution figure; Defense
has _____ days to object. Joint and Several
3. Defendant shall be subject to random blood, breath and urinalysis.
4. Defendant is subject to search of person, property, and residence and waives 4th Amendment rights.
5. Defendant shall maintain full time employment.
6. Defendant shall maintain full time employment or be involved in a full time educational program with the
approval of his or her P.O.
7. Defendant shall not refuse any blood alcohol content tests.
8. Defendant may not purchase, posses or consume any alcohol.
9. Defendant shall not frequent any establishment where the sale of alcohol is the primary business.
10. Defendant shall not own, carry or have in his/her possession any firearms or other weapons.
11. Probation may be transferred to the State of _____.
12. Defendant shall take all medications prescribed by his or her attending physician and shall provide a copy
of the prescription to his/her P.O.
13. Defendant shall complete his/her GED/HSE.
14. Defendant shall not associate with individuals specified by P.O.
15. Defendant shall have no contact with any minor children.

ADA COUNTY JAIL _____ DISCRETIONARY JAIL TO PO _____

DL SUSPENSION _____ Additional Conditions: _____

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

NO. _____
A.M. _____ P.M. 3:51

AUG 02 2011
CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,)	
)	
vs.	)	Criminal No. CR-MD-2008-0002462
)	
	)	NOTICE OF APPEAL
ANDREW DALLAS MORGAN,)	
)	
Defendant-Appellant.)	
_____)	

TO: THE ABOVE NAMED RESPONDENT, GREG BOWER, ADA COUNTY
PROSECUTOR, AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Decision and Order entered in the above-entitled action on the 1st day of August, 2011, the Honorable Deborah A. Bail, District Judge presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).
3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

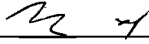
NOTICE OF APPEAL, Page 1

000155

- (a) Did the district court err in revoking probation and ordering into execution the original sentence?
4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).
5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:
- (a) Sentencing Hearing held: August 1, 2011
Court Reporter: S. Gambee
Estimated pages: 50
- (b) Admit/Deny Hearing held: May 23, 2011
Court Reporter: S. Gambee
Estimated pages: 50
6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):
- (a) Copies of Probation Violations Allegations; and
- (b) Any exhibits, including but not limited to letters or victim impact statements and other addendums to the PSI or other items offered at the Sentencing Hearing, Admit/Deny Hearing or the Probation Violation Dispositional Hearing.
7. I certify:
- (a) That a copy of this Notice of Appeal has been served on the Court Reporter, S. Gambee;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));

- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e);
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 2nd day of August, 2011.



Brian Marx
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on the 2nd day of August, 2011, I mailed true and correct copies of the foregoing, NOTICE OF APPEAL to:

KENNETH K. JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
P.O. BOX 83720
BOISE, ID 83720-0010

S. GAMBEE, HONORABLE JUDGE BAIL'S COURT REPORTER



Stephanie Martinez

AUG 03 2011

CHRISTOPHER D. RICH, Clerk
By NICOL TYLER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
ANDREW DALLAS MORGAN,)
)
Defendant.)
)
SSN [REDACTED])
DOB [REDACTED])
)

Case No. CRMD08002462

ORDER REVOKING PROBATION,
JUDGMENT OF CONVICTION AND
ORDER OF COMMITMENT

The Prosecuting Attorney, the defendant, ANDREW DALLAS MORGAN, and
his counsel, Brian Marx, came into court this 1st day of August, 2011.

The defendant having appeared before the Court on an Motion for Agents
Warrant for Probation Violation filed herein on May 6, 2011, and the defendant on May
23, 2011 having admitted to being in violation of his probation as granted by this Court,
and it appearing that said probation should be revoked;

IT IS HEREBY ORDERED That the probation entered by this Court on the 19th
day of July, 2010, be and the same is hereby revoked, and that the Judgment of
Conviction for COUNT II: GRAND THEFT, FELONY, I.C. § 18-2403(1), 2407(1)(b),
committed on or between the 1st and 9th days of February, 2008, be entered and
executed as follows:

ms

1 IT IS ADJUDGED that the defendant is sentenced pursuant to Idaho Code §19-
2 2513 to the custody of the Idaho State Board of Correction, to be held and incarcerated
3 by said Board in a suitable place for a period of time as follows:
4

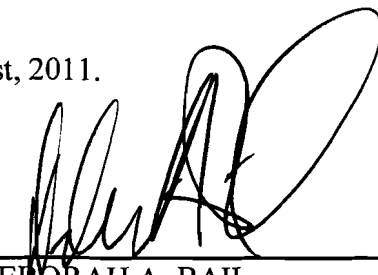
5 For a minimum fixed and determinate period of confinement of two (2) years;
6 such fixed minimum period shall thereafter be followed by an indeterminate period of
7 custody of up to five (5) years, for a total term not to exceed seven (7) years.
8

9 Pursuant to Idaho Code §18-309, the defendant shall be given credit for the time
10 already served upon the charge specified herein of three hundred one (301) days, which
11 includes time served in the retained jurisdiction program.
12

13 **The Court specifically recommends that the Defendant participate in the**
14 **Therapeutic Community Program while incarcerated.**
15

16 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this
17 Judgment and Commitment to the said Sheriff, which shall serve as the commitment of
18 the defendant.
19

20 Done in open court this 1st day of August, 2011.

21
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25 DEBORAH A. BAIL
26 District Judge
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CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of August, 2011, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA - EMAIL

ADA COUNTY PUBLIC DEFENDER
VIA - EMAIL

ADA COUNTY JAIL
VIA - EMAIL

DEPARTMENT OF CORRECTION
VIA - EMAIL

CCD SENTENCING TEAM - DOC
VIA - EMAIL

PROBATION & PAROLE-PSI DEPARTMENT
VIA - EMAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 

Deputy Court Clerk

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front St., Ste. 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

RECEIVED
AUG 02 2011
ADA COUNTY CLERK

NO. 10:45 FILED 1
A.M. P.M.
AUG 08 2011
CHRISTOPHER D. RICH, Clerk
By JANINE KORNSEN
DEPUTY

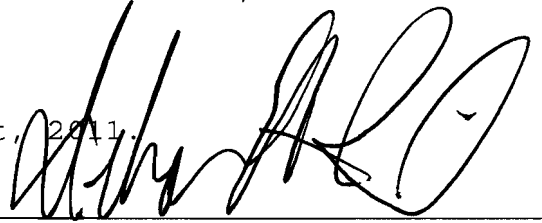
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,	)	Criminal No. CR-MD-2008-0002462
)	
vs.)	
)	
ANDREW DALLAS MORGAN,	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
Defendant-Appellant.	)	ON DIRECT APPEAL
)	

The above-named Defendant, ANDREW DALLAS MORGAN, being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, and said Defendant having elected to pursue a direct appeal in the above-entitled matter;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, That the Idaho State Appellate Public Defender is appointed to represent the above named Defendant, ANDREW DALLAS MORGAN, in all matters pertaining to the direct appeal.

DATED This 5th day of August, 2011.


DEBORAH A. BAIL
District Judge

ORDER APPOINTING STATE APPELLATE
PUBLIC DEFENDER ON DIRECT APPEAL

TO: Clerk of the Court
Idaho Supreme Court
451 West State Street
Boise, Idaho 83720
(208) 334-2616

NO. _____
A.M. 8:00 FILED P.M. _____

SEP 01 2011

CHRISTOPHER D. RICH, Clerk
By BRADLEY J. THIES
DEPUTY

IN THE SUPREME COURT OF THE STATE OF IDAHO

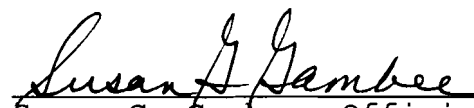
- - - - - x Docket No. 39057-2011
STATE OF IDAHO, :
 :
Plaintiff-Respondent, :
 :
vs. :
 :
ANDREW DALLAS MORGAN, :
 :
Defendant-Appellant. :
 :
- - - - - x

NOTICE OF TRANSCRIPT OF 64 PAGES LODGED

Appealed from the District Court of the
Fourth Judicial District of the State of
Idaho, in and for the County of Ada,
Deborah A. Bail, District Court Judge.

This transcript contains hearing held on:
6/9/08, 7/28/08, 5/23/11, & 8/1/11

DATE: August 31, 2011



Susan G. Gambee, Official Court Reporter
Official Court Reporter,
Judge Deborah Bail
Ada County Courthouse
Idaho Certified Shorthand Reporter No. 18
Registered Merit Reporter

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

ANDREW DALLAS MORGAN,

Defendant-Appellant.

Supreme Court Case No. 39057

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

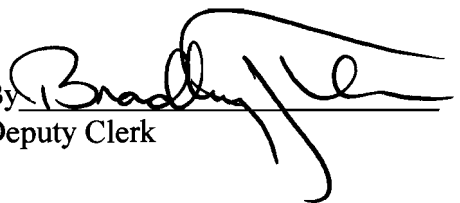
There were no exhibits offered for identification or admitted into evidence during the course of this action.

I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Pre-Sentence Investigation Report.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 1st day of September, 2011.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk

CERTIFICATE OF EXHIBITS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

ANDREW DALLAS MORGAN,

Defendant-Appellant.

Supreme Court Case No. 39057

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

CHRISTOPHER D. RICH
Clerk of the District Court

Date of Service: SEP 01 2011

By 
Deputy Clerk

CERTIFICATE OF SERVICE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

ANDREW DALLAS MORGAN,

Defendant-Appellant.

Supreme Court Case No. 39057

CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled and bound under my direction as, and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsels.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 2nd day of August, 2011.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk

CERTIFICATE TO RECORD

000165